Agent of change : the literary agent and contemporary British publishing and bookselling

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Agent of Change

The Literary Agent and Contemporary
British Publishing and Bookselling

by

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Thesis Abstract

This thesis argues that literary agents have emerged as a stronger force as a result of what some have characterised as a 'modernisation' of the publishing and bookselling industries. One might assume that consolidation on a large scale, as seen in both publishing and bookselling, would weaken the position of individual market participants such as agents and authors. In fact, the opposite appears to have happened. The thesis provides evidence to support the notion that agents have become more influential and it explains why and how this has happened.

Over the past three decades, the publishing and bookselling businesses have been transformed from localised industries comprising many small, independent units to multinational conglomerates, consisting of a few, large groups. Although small firms still exist, the large publishing groups and bookselling chains dominate. The thesis describes how agents have responded to the challenges represented by the new commercial environments. Furthermore, it presents evidence of the increasingly prominent and powerful position of agents and it examines the connection between their visibility and their influence. It discusses the changes in the role of the agent and it analyses to what extent these changes have been forced upon agents by external events or have been adapted by them on their own initiative.

Chapter I describes the literary agency business as it exists today. Chapter II returns to the origins of the agenting business at the end of the 19th century and surveys how it

developed throughout the 20th century up until the 1970s. The third and fourth chapters discuss the process of commercial restructuring of the publishing and bookselling industries as it took place in the 1970s and 1980s, whereas Chapter V analyses the role of the agent in this new environment. Chapter VI examines how literary agents have responded to recent technological changes while the last chapter includes four case studies which illustrate the role of the agent through some examples of well-publicised and controversial publishing contracts.

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Preface

The challenges involved in researching contemporary topics are numerous; the constantly changing environment, the unreliability of primary sources, the lack of scholarly secondary sources, and, perhaps most of all, the inability to benefit from hindsight. However, these challenges also represent opportunities. Living through the period that the research covers provides a unique perspective on the issues. Interviewing the people whose decisions and actions shape reality brings the researcher closer to the subject than written material could ever do. Uninfluenced by academic commentary and secondary sources one is left with more room for original thoughts and new discoveries. Inevitably, this thesis is affected by all the advantages and disadvantages associated with contemporary research, and history might well judge the present-day situation quite differently.

I have sought to address the disadvantages by consulting, as far as I possibly can, a large number of primary and secondary sources. I have, for example, interviewed more than twenty people from all fields of the publishing business, as well as consulted several hundred articles from trade publications and broadsheet newspapers, of which more than one hundred and sixty are cited.

I have relied on three different categories of sources: interviews with publishers, authors and agents; articles from publishing trade periodical publications and broadsheet newspapers; and literature on publishing and agenting.

Interviews constitute an important part of my sources. However, interviews are inherently unreliable; the interviewees have personal experiences which are not

necessarily representative for the business as a whole or they might have hidden agendas in their responses. To circumvent this problem I have interviewed a representative cross-section of industry people, so that idiosyncrasies in the responses could be evened out. Another issue has been the differing perspectives the interviewees bring to the table. Agents, in particular, have dissimilar experiences depending on their age, the type and size of the agency they work for and the kind of literature they handle. There is also a considerable variation in the kind of work that agents do for their authors. Whereas some are strictly confined to managing the business aspects of their authors' affairs, others are deeply involved in all areas of their clients' work. Publishers' experiences also vary a great deal, particularly between those who work for independent publishers and those who work for conglomerate publishing groups. Predictably, publishers, agents and authors all see the developments in the publishing business from their own perspectives and there is a natural tendency to be biased in favour of their own field. Nevertheless, in the course of the interviews, certain trends have become apparent; the key has been to identify these trends through the inconsistencies in the replies. At the same time, interviews have advantages. Unlike written primary and secondary sources, they take one close to the people who, collectively, constitute the business and they offer a unique opportunity to sense atmosphere and mood.

The interview process itself presents challenges. Although the nature and sequence of questions were carefully thought out before the interviews and the same list of questions was presented to every interviewee within the various occupational groups, inevitably, each conversation took somewhat different directions and had a slightly different focus. The interviewees were promised complete confidentiality and were given the option of

not being recorded, an offer which few took up. Comforted by the academic rather than journalistic nature of my work, most interviewees were frank and open in our discussions.

Trade periodicals and, to a lesser extent, daily broadsheet newspapers have also been sources central to this thesis. A journalistic report, like the interview, is a highly subjective source; journalists are influenced, even directed, by the editorial position of the publication for which they work. Journalists, particularly those working for newspapers, are often guilty of introducing a sensationalist angle to the issues. Articles written by those in the trade will be coloured by their perspective and agenda. As a result, newspaper and periodicals articles need to be read and interpreted with their authors' perspectives in mind. When used cautiously, they give valuable insight into contemporary debate and provide a unique chance to follow events as they unfold.

Because of the limited amount of literature on the subject of agents, I have had to rely to a large extent on periodical publications, particularly *The Author* and *The Bookseller. The Author,* published on a quarterly basis, is particularly helpful in giving the writers' perspectives and, occasionally, conducts surveys on publishers and agents. *The Bookseller*, published weekly, is an industry publication and has a business perspective. *Publishing News*, another weekly publishing business periodical, known for its slightly more gossipy angle, has also been consulted.

There is a lack of secondary material of a scholarly nature on both agenting and publishing, particularly with regard to recent events. The best historical source on agents is James Hepburn's *The Author's Empty Purse and the Rise of the Literary Agent* which is the only book focusing exclusively on the agent. However, this was published in 1968,

before the conglomeratisation of the publishing industry, and is therefore useful only as a historical account. Hepburn describes how, in pre-agent publishing, publishers often took advantage of authors and he outlines a number of legal changes that paved the way for better conditions for authors. The first agents are thoroughly covered in Hepburn's book as is the quarrel between publishers and agents during the first decades of the 20th century. His account of the early years of the literary agency business is well-researched and includes detailed information, while the analysis of the 1950s and 1960s is surprisingly superficial. There is also a chapter on agency in America which, like the chapter on the 1950s and 1960s, suffers from lack of depth.

Another valuable source has been the agent Carole Blake's book *From Pitch to Publication* which offers a comprehensive description of every step of the publishing process and the role of the agent throughout that process. For obvious reasons, the book defends the role of the agent, but it nevertheless manages to give a reasonably objective picture of the publishing industry and the publishing process. *The Writers' and Artists' Yearbook 2000* and *The Writer's Handbook 2000* have been instrumental in gathering much of the statistical information on literary agents.

As far as the publishing and bookselling industries are concerned, the most relevant sources have been Peter Owen's *Publishing Now* published in 1996, Richard Todd's *Consuming Fictions: The Booker Prize and Fiction in Britain Today* published in 1996 and, for points of comparisons with earlier periods, Diana Athill's memoirs *STET* published in 2000. Owen's book, which includes of a number of contributions from people in the publishing industry, is coloured by the pessimistic atmosphere in the business during the early to mid-1990s. Todd's book analyses the industry from the

perspective of the Booker Prize; it has useful details on bookselling and has been helpful in gathering information for the case studies in Chapter VII, but changes focus half-way through to take a more literary approach, reviewing the merit of past Booker Prize winners. Athill's book mainly focuses on the 1960s and 1970s, the halcyon days of her employer André Deutsch.

The absence of books on the British publishing and bookselling industries is somewhat surprising given the important developments that have taken place over the last decades, in particular the demise of the Net Book Agreement, the rise of the bookselling chains and various mergers and acquisitions within publishing. The period when I was researching and writing this thesis - the late 1990s and early 2000s - turns out to have been a perfect point at which to look back and take stock of the situation in the industries, following as it did the end of the most aggressive phase of the process of conglomeratisation. In the absence of recent British sources, I have had, in part, to rely on American books, particularly Jason Epstein's *The Book Business* (2001) and André Schiffrin's *The Business of Books* (2000) in my documentation of the conglomeratisation process. Because of the similarities between the British and American publishing industries as well as the fact that many British publishers were, in fact, bought by American conglomerates, these books have been useful sources. Memoirs of both literary agents and publishers are plentiful and they provide valuable, albeit extremely subjective, portrayals of their respective fields. *The Bookseller's Pocket Yearbook* and Key Note Ltd.'s research reports have been the sources for most of the statistical information on the publishing and bookselling industries.

Above all, the constantly changing environment has represented the greatest difficulty to my work. This has been particularly true for Chapter VII which discusses the literary agent and technological change. When I started work on this thesis, the Internet revolution was at its height and it was predicted that technology, especially Internet-related technology, would completely transform every aspect of our lives. Four years later, although some things have changed, many of those predictions have not materialised. Throughout this period I have updated and rewritten the chapter on several occasions and, because of its particular vulnerability to the passing of time, I have included information that is more recent than the 2001 cut-off date. However, just as predictions four years ago seem completely mistaken in the current environment; my own predictions in this thesis might be equally exposed by the passing of time.

With the above-mentioned exception, the cut-off date for this thesis is December 2001; nevertheless, on quite a few occasions I have used more recent sources to report on subsequent developments that are relevant to the earlier period. The fortunes of authors, publishers and agents have changed since 2001. However, this thesis reports on the state of the industry as it appeared at the end of that year.

Research in the field of earlier literary agents is limited; research in the field of contemporary literary agents is virtually non-existent. The aims of this thesis were to uncover a topic about which little has been written, to examine the issues from new perspectives and to further the understanding of the subject matter.

Acknowledgements

I would like to thank my supervisors John Stokes and Warwick Gould for their invaluable advice and encouragement in writing this thesis. In particular, for support of the idea of researching a contemporary topic and for assistance in finding ways to meet the many challenges that contemporary research entails.

This thesis could not have been written without the willingness of agents, publishers, authors and other people within the publishing industry to be interviewed. I would like to thank all of them for taking time off their busy work schedules to meet with me and for providing me with indispensable insight into their businesses. These interviews represent the backbone of my thesis.

I would also like to thank the agent Hilary Rubinstein who not only let me interview him, but also let me work for him. This opportunity gave me an invaluable understanding of what literary agents actually do. He also generously put me in touch with many of his contacts within the publishing business and gave constructive comments and lots of encouragement while I worked on this thesis. The literary agents Faith Evans, Carole Blake and the late Giles Gordon were also very helpful during this process.

I would also like to thank the staff at the Westminster Reference Library and the British Library for all their kind assistance as well as Anne Berthoud and Thomas Hoegh.

Chapter I – Literary Agents in the 21st Century – Who are They and What is Their Role?

Literary agents – who are they?

U.K. Literary agencies can be grouped into roughly three categories; the large agencies, often with separate television and film departments, which typically have more than a dozen agents, the medium-sized agencies which have anything from two to ten agents, and, finally, one-person agencies (which sometimes include an assistant). Examples of the first category would include agencies like Curtis Brown, A.P. Watt and PFD. However, in the literary agency business, even the largest operations are limited in scope; Curtis Brown, for instance, is listed in trade directories with only sixteen professionals whereas PFD employ twenty-three.[1] The larger agencies usually provide a wider range of services in a wider range of media than the smaller agencies. Together, these agencies represent by far the largest share of the market. Medium-sized agencies, which typically focus on literature, include Blake Friedmann, Gregory & Company Authors' Agents and

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[1] Anonymous, *The Writers' and Artists' Yearbook 2000* (London: A&C Black, 1999), pp. 346-365, and Barry Turner, ed., *The Writer's Handbook 2000* (London: Macmillan, 1999), pp. 191-215. The *WAY* and the *WH* are the most comprehensive sources for listings of literary agents. It has proved difficult to find reliable information about the history of *The Writers' and Artists' Yearbook (WAY)*. Even its publisher, A&C Black, has very sketchy information. The 1902 edition of what was then called *The Writers' Yearbook* appears to be the first version. In 1906, the book was renamed *The Writers' and Artists' Yearbook,* when its editors decided to include information relevant to designers, illustrators and photographers. In the early years, the book included listings of potential buyers of literary or other artistic properties including U.K. and American publishers, newspapers and magazines. Furthermore, there were listings of literary agents and printers. The earlier versions of *WAY* also include advertisements for typists, books, photo equipment to mention but a few. Later on, information on radio, film and television companies, publishers of English language countries, agents, trade organisations, literary prizes, book clubs and literary festivals was added. Today, *WAY* contains a lot of practical information on writing and has to a certain extent taken on the form of a self-help guide to writing. It includes sections on "Dos and don'ts on approaching a publisher", "Helping to market your book" and "How to get an agent". The guide has a comprehensive listing of U.K. agents as well as overseas agents from quite a few countries. It also includes information on topics such as taxation, copyright and libel. *The Writer's Handbook (WH)* was first published in 1987 as an alternative to the long-established *WAY*. The *WH* sought to differentiate itself from its competitor by being slightly less formal in its approach. Unlike the *WAY,* whose constituency was both writers and artists, the *WH* focused, and still does, exclusively on writers. Today, the two books have a very similar format, although the *WH* tends to include more in-depth information than the *WAY*.

Rogers, Coleridge & White Ltd., whereas examples of one-person agencies would be Christine Green Authors' Agent, Faith Evans Associates and Deborah Owen Ltd. Although the larger agencies tend to be able to attract the best-selling authors, the fortunes of the various agencies are not necessarily dependent on size. The Christopher Little Literary Agency, for example, has only three employees, but represents J.K. Rowling and is therefore hugely profitable. The vast majority of literary agencies are one-person agencies. Often, the founder runs the operations out of his or her home employing a minimum of staff, if anyone at all. The advantages and disadvantages of a large versus a small agency are sometimes discussed in author journals, and opinions vary widely. What is clear, however, is that even the large agencies are aware of the importance of staying relatively small in order to provide personal service and to distance themselves from the bureaucracies of the large publishing houses.

Of the 180 agencies listed in *WAY 2000* and *WH 2000*, 134 were involved in fiction and 132 in non-fiction, many of those overlapping.[2] Short stories, poetry and children's literature are not favoured by the agencies. Similarly, agents will tend to avoid authors of academic and educational works. Fifty-eight of the agencies listed in *WH 2000* explicitly state that they do not handle poetry, whereas thirty-five agents do not accept short stories and twenty-four children's literature. It is likely, however, that they would accept such submissions by existing clients, particularly those written by famous authors for whom a market already exists. Short stories and poetry typically do not generate enough income to justify the involvement of an agent, either from the author's or the agent's perspective. Also, very few publishers publish poetry, thus the room for

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[2] *WAY 2000,* pp. 346-365 and *WH 2000,* pp. 191-215.

negotiation and the potential benefits of involving an agent are limited. Michael Legat confirms this in *An Author's Guide to Literary Agents*:

> If you restrict yourself to the occasional short-story, or feature articles, or poetry, you will find it just about impossible to get an agent, because, unless you are a full-time writer with an impressive annual output [...], the income from your writings will be so small that it will not be worth the agent's while to handle your work.[3]

Fiction represents a disproportionately large part of the work of literary agents in relation to its share of the market. Of the 119,001[4] titles published in 2001, only 13,076 were adult fiction. Whereas a publisher, often on the basis of a synopsis, determines relatively quickly whether the topic of a non-fiction book is of interest to his company, judging the quality of a fiction manuscript is more time consuming. This is where the agent's role is crucial. A good agent will know which editor and publishing house will be most likely to take on the manuscript. The editor, in turn, will trust the agent and be more likely to consider it. Hence, in the case of fiction, the fact that the agent serves the role as a quality filter is particularly useful to the publisher. Furthermore, specialists often need to be consulted to determine the quality of non-fiction and agents do not have the capacity or the financial ability to employ or sub-contract such specialists. Non-fiction authors, particularly those writing about highly specialised topics, academic and educational

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[3] Michael Legat, *An Author's Guide to Literary Agents* (London: Robert Hale, 1995), p. 17.
[4] Anonymous, *The Bookseller's Pocket Yearbook 2003* (London: Bookseller Publications, 2002), p. 15. *The Bookseller's Pocket Yearbook* , published annually, compiles statistics on the publishing industry from a number of sources such as *The Bookseller,* Whitaker Information Services and the Publishers' Association.

matters, therefore often go directly to, or indeed are commissioned by, the publishing houses.

Except for specialisation by genres – fiction, non-fiction, children's, etc. – most agents do not specify areas of interest in the trade directories. Nevertheless, it is very common for agents, particularly those in one-person agencies, to focus on topics which correspond to their own personal interests, such as crime, romance, travel-writing or cook-books. Despite this tendency for specialisation, all agents seem willing to accept other subjects should an exceptional manuscript appear.

Some agencies, usually those that have been in existence for a long time, represent estates of deceased authors. This can be extremely lucrative as in the case of Curtis Brown who in 2001 sold the film and merchandising rights of A.A. Milne's Winnie the Pooh books to Walt Disney. Reportedly, Disney paid $340 million (approximately £200 million) for the rights until copyright expires in 2026 of which Curtis Brown is rumoured to have received £7 million.[5] However, literary estates are rarely as valuable as the A.A. Milne estate; often they represent a significant amount of work and generate very limited revenues. This is how one long-time agent described literary estates:

> …everything is fine when they are earning their keep. The problem comes when the agent needs to do a lot of work, but with diminishing returns for the commission. […] About twenty years ago [one of the larger agencies] got a lot of stick by deciding arbitrarily to jettison many

[5] Sathnam Sanghera, 'Making advances', *The Business FT Weekend Magazine,* 16 March 2002, p. 18.

> of their old estates, and there were loud complaints from children or grand-children or literary executors who were suddenly expected to have to deal with lots of tricky small matters without previous experience.[6]

The added complexity of dealing with a number of beneficiaries rather than one author can also increase the workload. The Society of Authors represents a number of literary estates, many of those of former members. According to Mark Le Fanu, General Secretary of the Society of Authors, these estates represent an important source of income for the organisation.[7] However, because of its position in the author community, it is difficult, if not impossible for the Society to drop estates that are unprofitable. Apparently, literary estates rarely change agencies; the complexities of getting familiar with old contracts and, in most cases, limited earnings potential usually discourage most agencies from taking on existing literary estates. However, there have been cases, such as that of the Conan Doyle estate, whose beneficiaries lost confidence in A.P. Watt's handling of the estate and decided to change agent. The new agency reportedly made a significant amount of money for both the estate and itself by reviving Doyle's old contracts.[8]

Women represent a large proportion of agents, particularly in the smaller agencies. Many women are said to be attracted by the flexible nature of the job and the freedom self-employment offers. The relatively small investment required to establish an agency is likely to have contributed to the rapidly increasing number of agencies. However, people

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[6] Interview 20 November 2003.
[7] Interview 26 November 2001.
[8] Interview 20 November 2003.

within the business doubt whether the majority of agents are able to live off their agent revenues alone. Anecdotal evidence suggests that a number of agents in one-person agencies, combine their agent jobs with other activities such as writing, looking after their children or in semi-retirement.

An agent usually represents between thirty-five and fifty authors and the cost of taking on a new writer can be significant both in terms of the agent's time and money. In 1987, Giles Gordon, one of Curtis Brown's most experienced and successful agents, estimated that the overhead costs associated with each author for an agency offering publishing and multi-media services were somewhere between £1,000 and £2,000.[9] A year later, the agent Caroline Sheldon said that the equivalent costs for a small one-person agency would be around £500.[10] In 2000, Gordon estimated that overhead costs for a medium sized agency were in the region of £3,000[11], while the equivalent costs for small agency were approximately £1,500[12], according to the owner of a one-person agency. In 1992, Giles Gordon calculated that only seven out of three hundred clients bring in revenues that exceed their overhead costs.[13]

The earnings of a literary agent, dependent on the fortunes of a limited number of writers, appear to be far more volatile than those of a publishing executive whose pay is supported by the activities of the entire publishing company. Nevertheless, the earnings potential of an agent is considered to be substantial by many people in the publishing

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[9] Giles Gordon, 'I can't get an Agent!', *The Author,* Spring 1987, p. 17.
[10] Caroline Sheldon, 'Ten per cent junkies', *The Author,* Summer 1988, p. 47.
[11] Interview 23 March 2000.
[12] Interview 21 March 2000.
[13] Michael Geare, 'Authors' Agents: 1 Giles Gordon', *The Author,* Spring 1992, p. 14.

industry. Like authors, only a handful of agents make significant amounts of money while the vast majority make modest salaries. Unless one already has a list of successful authors, starting out as an agent can be financially difficult. Many agents are reportedly forced to rely on supplementary sources of income for a living, particularly during the establishment period. Building a list of authors can take seven to eight years, according to one long-time agent, and the revenues during the initial years are likely to be very low if anything at all.[14] The agent needs to find a publishable author, get a publisher interested in the manuscript and sign a contract before any revenue is generated. Thus, many agencies are set up by already established agents bringing with them existing clients or editors switching from publishing to agenting by becoming agents for their authors. Most agencies, unless they have a large back-list providing stable income, are said to be vulnerable to the sometimes dramatic fluctuations in revenues depending on the success of their authors. This is particularly true for those small agencies that are fortunate enough to represent one or more best-selling authors. Several small agencies with extremely valuable clients have suffered – it has emerged – as their most profitable authors have decided to leave.

How agents were to be compensated was hotly debated in the early days of the literary agency business. Some argued that since the agent's role was similar to that of a solicitor, the compensation should be in the form of a one-off payment upon completion of the publishing contract. Publishers, in particular, were unhappy with the idea that a commission system tied the agent to the book throughout its life. The 1920 edition of *The Literary Who's Who,* successor to *The Literary Year-Book* takes the side of

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[14] Interview 27 January 2000.

publishers and argues against the commission system: 'it [the commission system] effectually prevents *rapprochement* between the author and the publisher, and keeps the publisher at arm's length, to the detriment of a relationship which may be useful to both.'[15]

The customary 10% commission rate dates back to the late 19th century. According to Michael Legat, A.P. Watt, who first instituted the rate, seems to have based the number on what advertising agents charged at the time.[16] Commission rates are still a controversial issue, particularly as more and more agents have decided to increase their rates in response to the growing workload. The 10% commission rate remained standard until the early 1980s, when some agents decided to increase it to 15%. In 1983, Blake Friedmann was one of the first agencies to raise its commission to 15%, and according to one of its founders, met very little opposition amongst their clients. Apparently, none of their authors decided to change agency because of the increase. Mark Le Fanu, confirms that, surprisingly, writers do not seem to be particularly price sensitive to agents' commissions.[17] Several agents have followed suit, among them well-known and successful agents such as Ed Victor, Gregory & Radice and Christopher Little.

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[15] Anonymous, *The Literary Who's Who 1920* (London: George Routledge and Sons Limited, [1920 ?]), p. 350.
[16] Legat, p. 88.
[17] Interview 26 November 2001.

On behalf of the Society of Authors and *The Author*[18], Michael Legat undertook surveys of literary agents in 1994 and 1998.[19] The surveys included questions on commission rates, contracts, the kinds of services provided etc. Ten percent commission was the norm in both 1998 and 1994 although extremes of 17.5% and 20% were also reported. In 2000, around 25% of all agents listed their commission as 15%, which compared to 16% in 1990 and only 4% in 1980. Eight per cent charged between 10% and 15% and 7% charged 12.5%, but the majority of agencies, 53%, still charged 10%.[20] The owner of a one-person agency, whose commission is 15%, maintained that it is nearly impossible to run a small agency on a 10% rate, particularly if the agent undertakes significant editorial work.[21] It appears that the trend is towards a standard commission rate of 15% and several agents interviewed felt strongly that the added complexity of the business and the increasing amount of time spent on editing justifies a higher rate.[22] According to Legat, there is far more variation in the commission rates that agents actually charge than the impression one gets from the trade directories. Although most agents insist that their commission is non-negotiable, it seems that, particularly in the case of best-selling authors, agents will make exceptions. Interestingly, Legat says in his 1998 survey that '…there is nothing to indicate that authors paying 15% get better service from their

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[18] *The Author*, a magazine published quarterly by the Society of Authors, first printed in 1890. *The Author,* features articles by authors, agents, publishers and other involved in the business, but is geared towards authors in its perspective. Recurring themes include author earnings, copyright issues, the agent/author relationship, the author/publisher relationship, including surveys on each, as well as articles on the more artistic aspects of writing such as the regular column 'My first book'.

[19] Michael Legat, 'Which Agent?' *The Author,* Spring 1994, pp. 7-10; 'The Survey of Authors' Agents', *The Author,* Winter 1998, pp. 146-149. On behalf of the Society of Authors, Michael Legat carried out two agent surveys, first in 1994 and then in 1998. In 1994, 494 of the society's 5,600 members replied. At the time, about half of their members had an agent. The replies covered 106 agencies. In 1998, Legat received reports from 507 members, reporting on 98 agencies.

[20] *WH 2000*, pp. 191-215.

[21] Interview 21 March 2000.

[22] Interviews 21 March 2000, 28 January 2000 and 14 March 2000.

agents that those who pay only 10%.'[23] One must assume that many agents are still in the process of realising that it can be difficult to run a commercially successful agency on a 10% commission basis and that 15%, rather than 10%, will become the norm in the not so distant future.

Until the 1980s, a contract between the author and the agency was not common. According to Legat, this has slowly changed; in 1998, 52 % of authors had contracts with their agents compared to 30% in 1994. The majority of those that do not have a contract are typically long standing clients who joined before it became common practice to formalise the relationship between the author and the agency. As Legat goes on to conclude: 'With very few exceptions, agents are signing letters of agreement with all their new clients.'[24] Agency contracts normally stipulate the agent's commission for the various markets and media, termination conditions and which expenses will be deducted from the author's royalties.

Finding an agent

Authors often complain that finding an agent is as difficult as finding a publisher.[25] Most industry people feel that it should be that way. In their view, the vast majority of manuscripts are not up to publishable standards and should be sifted out by an agent. By making the process of finding an agent difficult, agents ensure that only those authors who are truly committed to writing succeed. Evidently, the likelihood of being accepted

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[23] Michael Legat, 'The Survey of Authors' Agents', *The Author,* Winter 1998, p. 146.
[24] Legat, p. 146.
[25] Ed Victor once famously said that he only took on as clients people that he meet at parties. (Tim Dowling, 'Special agent', *Guardian,* 1 March 2004, p. 7.)

by an agent is drastically improved if a writer is either seeking to change agent, recommended by another of the agent's clients or someone in the publishing world or has something published already. In all these cases, the author's writing has already been through a quality filter which gives the agent comfort that the author is worth representing. The majority of agencies explicitly state that they do not accept unsolicited manuscripts and some that they do not take on new clients. In reality, they will probably do both if the manuscript is good or if the writer is successful or shows potential. It is generally acknowledged amongst agents that the pile of unsolicited manuscripts, popularly known as the 'slush pile', rarely contains any high quality manuscripts. An agent from a firm focusing on literary fiction even suggested that if an agency turned away every unsolicited manuscript at the door it would be better off after thirty years.[26] Other agents disagree; particularly those involved in commercial fiction and crime writing.[27] Agents representing this type of literature seem to have more success in finding publishable authors in the slush pile than those involved in literary fiction. Carole Blake, whose firm focuses on commercial fiction, says that of the six to eight new clients her agency accepts each year, between one and three are found among unsolicited submissions.[28] New agencies in the process of building up their client base tend to pay more attention to the slush pile than already existing agencies. Writing about her experience as an agent in the establishment phase, Caroline Sheldon says: 'In my own case I welcome the unsolicited pile as a possible source of gold – but when I calculate

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[26] Interview 27 January 2000.
[27] Interview 28 January 2000 and interviews 27 March, 2000 (1).
[28] Carole Blake, *From Pitch to Publication: Everything You Need to Know to Get Your Novel Published* (London: Macmillan, 1999), p. 50.

that last year I received 500 such manuscripts of which I have taken on three, I wonder at the mental quirk that enables me to approach the pile with hope each month.'[29]

Sifting through the slush pile is considered – by most people in the business – one of the least satisfying parts of an agent's job; it is time-consuming and rarely provides interesting leads. Nevertheless, it appears to be done, although with a varying degree of diligence; on rare occasions, the agent will find publishable manuscripts and, even rarer, best-selling novels. Michael Ridpath and J.K. Rowling are often referred to examples of best-selling authors found in the slush pile. Slush pile reading is usually done by the most junior staff in the agency such as junior agents or personal assistants, except, of course, in the case of one-person agencies. This – some people would argue – inevitably involves risks, as inexperienced staff do not necessarily have the trained eye to spot a good manuscript. Nevertheless, the few stories of rejected manuscripts ending up as best-sellers serve as potent reminders that slush piles cannot be ignored completely. Many writers complain that their manuscripts are returned unread from literary agents, and it is probably fair to say that very few agents, junior agents or personal assistants read unsolicited manuscripts in their entirety, unless they show promise from the very early pages. But it is said that with a little experience, it is relatively easy to identify the most un-publishable parts of the slush pile.

In *An Author's Guide to Literary Agents,* Michael Legat argues that an agent is not essential for an author of general fiction. He also maintains that having a manuscript in a publisher's rather than an agent's slush pile takes you one step closer to being published.

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[29] Caroline Sheldon, 'Ten per cent junkies', *The Author,* Summer 1988, p. 47.

Furthermore, as Legat puts it: no one will be more patient and persistent in getting a manuscript accepted than its creator.[30] A lot has changed since Legat wrote this in 1995 and today many industry insiders, even publishers, would disagree. In their opinion, the chances of being published are probably smaller if an author approaches a publisher, particularly the large conglomerate publishing houses, directly. Publishers do not need to read the slush pile to find publishable works; they are constantly approached by agents who have already identified the worthwhile manuscripts for them. Increasingly, publishers encourage, even insist, that authors are represented by agents. In fact, in today's publishing environment, many would argue that having a manuscript in the publisher's slush pile takes you one step further *away* from being published. It might give the impression that the manuscript has been rejected by agents or that the author is unfamiliar with the publishing process and not aware that an agent is usually involved. Furthermore, authors themselves are not necessarily the best marketers of their own manuscripts, as Legat argues. Most authors will not be able to approach their own manuscripts objectively. Particularly in light of the increasing standards of professionalism in publishing, editors have come to expect highly polished presentations that the majority of authors do not have the expertise to make.

Best-selling authors usually prefer large publishers and many of them, although by no means all, prefer large agencies. Some people believe that popular authors are better served by large publishing houses because they are more likely to offer a large advance[31]

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[30] Michael Legat, *An Author's Guide to Literary Agents* (London: Robert Hale, 1995), p. 20.

[31] An advance is the payment – in advance – of a portion of an author's royalties. It is usually calculated as the expected number of copies sold times the retail price divided by the royalty. Sometimes expected revenues from paperback editions and subsidiary rights such as serialisations are added on. Although this

and a lavish marketing campaign, and be powerful enough to negotiate favourable promotional deals with the large bookselling chains. Popular authors also tend to choose agencies which are well-equipped effectively to exploit subsidiary rights, such as companies with their own film and television departments. Finally, many observers argue that the larger agencies have more influence over publishers because of the number of authors they represent.

There are notable exceptions, Delia Smith, for example, is represented by the small agency Deborah Owen, while Louis de Bernières is with the Lavinia Trevor Agency, a one-woman agency. Likewise, Maeve Binchy's agent Christine Green has a one-person agency with no more than a dozen clients. Despite the reported difficulties in finding an agent, the number of represented authors has grown steadily over the past century. In the 1947 (5th) edition of *The Truth About Publishing,* Sir Stanley Unwin wrote that 'of the thousands of new books published in any year it is doubtful whether even 10 or 12 per cent are placed by agents.'[32] Legat's estimate of agent involvement, although possibly on the conservative side given his dislike of them, was probably reasonably accurate at the time.[33] In 1988, Legat estimated that 54% (percentage excludes authors of medical and educational texts who are rarely represented) of authors used agents to place their work.[34]

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sounds scientific, a considerable amount of subjective judgement goes into forecasting sales. Very large advances can rarely be justified based on this formula, but are paid for other reasons such as the prestige of acquiring a certain author, the desire to retain an existing author or the belief that income from subsidiary rights will help cover the advance. Blake, p. 141.

[32] Sir Stanley Unwin, *The Truth About Publishing,* 5th edn (London: George Allen & Unwin Ltd., 1947), p. 289.

[33] Interestingly, Unwin does not change this estimate in the subsequent editions of the book until the 1976 (8th) edition where it has even been revised downwards: 'it is doubtful whether even 10 per cent are placed by agents.' The success of literary agents must have been difficult for the Unwins to acknowledge. (Sir Stanley Unwin, *The Truth About Publishing,* ed. by Philip Unwin, 8th edn (London: George Allen & Unwin Ltd., 1976), p. 195).

[34] Michael Legat, 'Which Publisher?', *The Author,* Autumn 1988, p. 69.

In 1995, a handful of publishers reported that the following percentages of their authors used agents: Frances Lincoln 50%, Hale 60%, Headline and Sinclair-Stevenson 80%, Transworld 90% and HarperCollins and Severn House 95%.[35] Two years later, in the 'Which publisher?' survey Legat concluded that 'Looking solely at the general publishers for which 8 forms or more were received, the split shows something more like two thirds of the authors using an agent.'[36] According to *The Author's* earnings survey in 2000, 54% of the Society of Authors' members were, or had been in the past, represented by an agent.[37] *The Author* also examined what kind of writers tend to have an agent and found the following: '83% of general and genre fiction writers had/have had and agent; 68% of children's writers and illustrators, 60% of general non-fiction writers and a surprisingly high 38% of academic writers [...] 84% of educational writers have never had an agent.'[38] Thus, authors of fiction are much more likely to be represented by an agent than authors of academic, educational, medical and technical books.

What is the role of the agent?

The literary agent's role is generally acknowledged to have multiple sides. According to industry people, a good literary agent is an effective mediator between author and publisher, a skilled negotiator, knowledgeable about the publishing market, well-connected within the publishing business, a competent editor and sensitive to an author's needs. It has been said about agents that to be good they need 'the killer instinct of a jaguar, the intuitive powers of Mystic Meg and the nurturing abilities of a Sicilian

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[35] Michael Legat, *An Author's Guide to Literary Agents* (London: Robert Hale, 1995), pp. 117-8.
[36] Michael Legat, 'Which publisher?', *The Author,* Autumn 1997, p. 99.
[37] Kate Pool, 'Love, not money', *The Author,* Summer 2000, p. 65.
[38] Pool, p. 66.

matriarch.'[39] Indeed, in the course of my interviews, several agents, from agencies of varying sizes, emphasised the fact that the job has two very different sides: a caring, nurturing side dealing with authors and their manuscripts and a tough business side negotiating with publishers.[40]

The agent's role as mediator involves communicating unpleasant messages between author and publisher, clearing up misunderstandings and explaining the motivations and behaviour of one of the parties to the other, in short, building a bridge between the publisher and the author. Maintaining a good relationship with the publisher – many would argue – is made easier for the author with a third person to communicate bad news and resolve conflicts. As Anthony Blond explains, publishers have come to appreciate this part of the agent's role: 'Agents protect publishers from neurotic and difficult authors, those who telephone all hours of the day and night, who wish to interfere in the book's production or ask ceaselessly for copies to be sent to every well-known literary name in advance for puffs.'[41]

It is said that one of the most important qualifications an agent can have is intimate knowledge of the publishing industry. The agent is expected to know the profile and publishing philosophy of every publisher in the market. He or she should be able to identify which publisher is likely to be willing to publish any given book, and even more important, which particular commissioning editor within that publishing house would be interested in the manuscript. It is considered essential that the editor believes in and is

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[39] Janine di Giovanni, 'Poached, lunched and published', *The Times,* 8 December 1997, p. 16.
[40] Interviews 20 January 2000 and 28 January 2000.
[41] Anthony Blond, *The Book Book* (London: Jonathan Cape, 1985), p. 20.

committed to the work. 'A publisher's own enthusiasm for an author's work is his most valuable contribution to its success' wrote a literary agent in *The Book World Today* published in 1957.[42] This is still the case, although sustaining that interest – some people believe – has got harder as staff turnover at the publishing houses has increased. One of the authors interviewed for this thesis said that his agent's contacts within publishing were the single most useful aspect of having an agent.[43] An author, whose dealings with the outside world are usually limited by the nature of his or her work, is often wholly reliant on someone who can provide access to the publishing world. The agent's challenge is to maintain a friendly relationship with commissioning editors; their relationship is ongoing and neither the agent nor the editor can afford to fall out as a result of acrimonious contract negotiations.

Besides knowing the individual market participants, the agent should be familiar with publishing trends and be able to identify which topics will be popular in the future. Furthermore, a good agent is supposed to be creative on his author's behalf, coming up with alternative ways of exploiting his or her client's copyrights. This may include alternative media such as film, TV and radio or alternative forms of publication such as audio books or collected editions. In addition, there is the editorial role which – some argue – has become increasingly crucial to the agent's job. Finally, as we have seen earlier, the agent needs to have a humane side and should be able to motivate, console or simply listen to his or her clients.

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[42] Anonymous, 'Author, Agent and Publisher' in *The Book World Today* ed. by John Hampden (London: George Allen & Unwin Ltd., 1957), p. 32.
[43] Interview 3 December 2001.

In his agent surveys, Michael Legat asked authors to rank the most important aspects of the agent's role. Placed first was negotiating, including selling and dealing with contracts. These and money matters, i.e. accounting, tax, and, in particular, follow-up of royalty payments are areas in which authors often are inexperienced and need help. Apparently, with the increasing complexity of royalty statements, authors frequently have to rely on their agents in interpreting their contents. 'Support, encouragement and friendship' came second, and testify to the fact that writing is a lonely occupation in which the agent can serve the valuable role of motivator. Also high on the list were 'career guidance, editorial input, knowledge of the market and contacts and financial advice.'[44] An overwhelming majority of authors seek editorial guidance from their agents; around eighty-five percent of those asked welcomed such assistance and about two-thirds of those received it to their satisfaction.[45] These percentages were similar in both surveys. The fifteen percent who did not want editorial advice were, according to Legat, 'quite vehement' about it. According to several agents interviewed, it is often the case that the more successful a writer becomes the less likely he or she is to welcome editorial advice, both from the agent and the editor, sometimes – it is said – to the detriment of the quality of the book.[46]

How do authors rate their agents?

Judging by Legat's agent surveys, it appears that, for the most part, authors get what they are looking for in their agents. The surveys have shown that most authors remain loyal to

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[44] Michael Legat, 'The Survey of Authors' Agents', *The Author,* Winter 1998, p. 148.
[45] Michael Legat, 'The Survey of Authors' Agents', *The Author,* Winter 1998, p. 147; Michael Legat, 'Which Agent?', *The Author,* Spring 1994, p. 8.
[46] Interview 20 January 2000.

their agents. In 1994, 55% had only worked with their present agent while 31% had had one previous agent, 9% two previous agents and the remaining 5% had had three or more agents.[47] The corresponding numbers in Legat's follow-up survey four years later were 43% (one agent only), 32% (one previous agent), 10% (two previous agents) and the remaining 15% (three or more previous agents).[48] Closures or mergers of agencies can explain some of the apparent drop in agent loyalty, but the evidence suggests that most authors stay with their agents. This is interesting to note, particularly in view of the fact that once you have an agent, changing to another is, in theory at least, easy. Reportedly, agents are usually enthusiastic about accepting authors that would like to change agent. However, in reality, many authors become close friends with their agents and, because of that, find it difficult to move. Other explanations for the high rate of agent loyalty might be that authors have low expectations and are happy as long as someone shows interest in their work, that they find the process of changing not worth the trouble or that they are generally pleased with the work of their agents. Each of these are probably contributing factors, however, Legat's surveys show that, in general, agents are very popular with their clients and my own author interviews support this.[49] According to the 1998 agent survey: '76% replied "yes" (many with enthusiasm) to the crucial question *Are you generally satisfied with the service provided?*, 8% were undecided and only 16% gave a firm "no". These figures were almost identical with those for 1994'.[50] Kate Pool asked a similar question in the 1999 authors' earnings survey: *did respondents who had/have had an agent consider that their agent was worth it?* To this question, 62% answered yes,

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[47] Michael Legat, 'Which Agent?', *The Author,* Spring 1994, p. 7.
[48] Michael Legat, 'The Survey of Authors' Agents', *The Author,* Winter 1998, p. 146.
[49] Interviews 29 September 2000, 3 December 2001, 19 April 2002 and 3 May 2002.
[50] Legat, p. 146.

17% were undecided while 21% said no.[51] It is difficult to tell whether the apparent decrease in agent satisfaction is due to a difference in wording of the questions in the two surveys or whether it reflects a genuine drop. Perhaps it indicates that authors are getting more demanding? Or maybe publicity surrounding large advances has changed authors' expectations of what agents can achieve on their behalf? It might also reflect the increasing difficulty in finding a publisher, as Pool describes: 'It seems that it is becoming very significantly harder for even established writers to find a publisher for their next book.'[52] Authors in turn might blame their agents for failing to find a publisher for their work. However, despite the drop, authors' satisfaction with their agents still runs high. Of those who wanted editorial advice, for example, 72% got it to their satisfaction, while 83% of respondents were happy with the way their agents dealt with negotiations and money matters.[53] The areas in which authors were dissatisfied with their agents were in both years related to the sale of subsidiary rights and lack of communication. Apparently, some authors also expressed frustration that their agents did not show interest in any but their best-selling authors.

Conflicts in the agent-author relationship

As *The Author* pointed out in the article 'Double Agents', there are potential conflicts of interest in the author-agent relationship.[54] For example, the agent might want to maximise advances to increase his or her own income without considering the risk of overselling the author. Likewise, the agent might choose to be soft in negotiations with a

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[51] Pool, p. 66.
[52] Pool, p. 66.
[53] Legat, p. 147.
[54] Jonathan Lloyd, 'Double Agents', *The Author,* Winter 2001, pp. 157-159.

publisher to protect his other relationships with that publisher. Also the question whether mid-list and unknown authors get the attention they deserve, particularly when their agent also represents best-selling writers, as some authors complained in Legat's surveys, has been raised. Obviously, the level of contact between author and agent depends on how active the author is. Authors generating substantial incomes for the agent are more likely to occupy more of the agent's time than those with less significant sales. Therefore, authors whose sales compare unfavourably with some of the agent's other clients are sometimes said to feel neglected by their agent. Some commentators have even suggested that agents have been reluctant to pressure publishers to issue more frequent royalty statements because of the additional work that would mean for agents. It looks as if there is little evidence to suggest that any of these theories are correct, particularly if one considers the results of *The Author's* surveys, both strongly in the agent's favour. However, it also seems very difficult to prove that they are not. One can imagine, for example, that a small agent might be willing to make concessions in order to maintain a good relationship with an important publisher. It is also conceivable that high earning authors might receive better service than those further down on the earnings ladder.

Unsurprisingly, Jonathan Lloyd, then President of the Association of Authors' Agents and managing director of Curtis Brown, defended agents against these allegations in a 2001 article in *The Bookseller* arguing that it was in the agent's own interest that his or her authors were successful and because of the very nature of the business – it can take years before an author generates income for the agent – the vast majority of agents have a long term perspective on the success of their clients. Lloyd said the following: 'Most

agencies feel that the lower earning clients are getting a rather good service that in essence is being subsidised by the higher earners. However the higher earners are usually generating more work so they receive more service, though not better service.'[55] Many observers feel that the question of prioritising best-selling clients at the expense of less famous clients is becoming more relevant as the former category become increasingly important to the publishing houses, make more money (which in turn means more money for the agent) and require more of the agent's time. In the future it is likely that there will be an increasing number of 'elite' agents who have only a handful of best-selling clients. As a result, access to the very best agents will be limited for mid-list and new authors, which might in turn affect the kind of service they get. We might see a trend in agenting, already seen in publishing, whereby authors start out with a small agent and move on to larger agencies as their career takes off. However, an agent who consistently prioritises his best-selling clients at the expense of his or her mid-list and new authors will eventually develop a bad reputation and find it difficult to recruit new authors. After all, every best-selling author started out as an unknown author.

There are other scenarios in which conflicts between agents and authors have arisen; mergers or sale of agencies, an author's decision to change agent or an agent's decision to dismiss unsuccessful or difficult clients, are typical examples. According to the late Giles Gordon, many authors express frustration at being moved, often without having been consulted, to a new agency because of a sale or merger.[56] A new agent is suddenly forced upon them and disagreements are often the result. Equally, changing agents can

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[55] Lloyd, p. 158.
[56] Interview 23 March 2000.

cause conflicts between the departing author and his former agent and sometimes also between the former agent and the new agent. The original agent retains the rights to commission on all existing books; however, that agent's commitment to his or her former client's books is usually said to vanish the moment the author leaves. In these instances there are apparently three alternative ways of handling the commission: the original agent keeps the right to all commission on existing works, the original and the new agent enter into a commission sharing agreement or, if the two agents can agree on a price, the new agent buys the commission from the retiring agent. All these agreements depend on the co-operation of the former agent and there is evidently little the author can do except trying to convince that agent to hand over the responsibilities to the new one.

What does an author or an agent do in case of a conflict? The author can approach the Society of Authors which receives a number of complaints regarding agents from its members.[57] He or she can also get in touch with the Association of Authors' Agents (AAA), although the AAA has been criticised for not having an adequate system for dealing with complaints against their members.[58] Moreover, not all agents are members of the AAA.

Does an agent make a difference?

The Author's author earnings survey in 1999 concluded that while having an agent did not necessarily make it easier to find a publisher, it often increased the size of the advance. 'While half of respondents (agented or not) said that most of their works more

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[57] Michael Legat, 'The Survey of Authors' Agents', *The Author,* Winter 1998, p. 146.
[58] Legat, p. 149.

than earned out the advance, 24% of respondents said that over half of their works did not earn as much as the advance. That included 30% of agented writers and only 14% of unagented writers.'[59] It also found that: 'The bigger the advance, the more likely it is that an agent is involved.' Of the 90 writers in the earnings survey who made more than £50,000, 85 had an agent.[60] This seems to tell us two things; first and perhaps not surprisingly, that successful authors often have an agent, second, as we have seen before, that having an agent tends to increase the size of the advance. However, some or all of that financial gain is frequently absorbed by the agent's commission. The fact that so many authors still choose to be represented seems to suggest that financial benefits are rarely the main driving force behind an author's decision to get an agent. It also indicates that authors do feel that an agent makes a difference, if not in terms of large financial rewards, at least in terms of professional support. Furthermore, many publishers, particularly the larger ones, actually encourage writers to be represented. Most authors, and especially those that are successful, are often said to be too busy writing new books or on marketing tours, to worry about the detailed business aspects of their career.

In 1992, *The Author* analysed the connection between being represented by an agent and the service rendered by the publishing company.[61] The survey was based on authors'

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[59] Kate Pool, 'Love, not money', *The Author,* Summer 2000, p. 66.
[60] Pool, p. 65.
[61] Michael Legat, 'Which Publisher?', *The Author,* Autumn 1992, p. 113. Legat's survey is based on 1,686 replies from members of the Society of Authors, of those 692 were represented by an agent. The survey which was primarily a survey of publishers also had a section dealing with the relationship between having an agent and the service received from the publishers. Although the survey yielded interesting results, it is worth keeping in mind the inherent unreliability of the numerical scoring on which the survey was based. Respondents were asked to give marks from one to five, where one indicated bad and five good. A score of three, for example, may mean different things to different people. Moreover, as Legat points out, the results yielded very small differences in the score between agented and unagented authors.

evaluation of publishers on aspects such a promptness of payment, efficiency in selling rights and quality of editorial advice. The difference between agented and unagented authors, although in agented authors favour, was – some people would say – remarkably little. The only aspect on which agents seemed to have real success was in placing their authors with the most professional and successful publishers. The survey concluded that the agent's impact is more in making life easier for the author than improving the publisher's performance.

Agents and networking

With the exception of book fairs, which typically only last between two and five days, there is no permanent market place where manuscripts are bought and sold; therefore there is no natural meeting place for buyers and sellers of manuscripts. Furthermore, there are no official channels of communication, such as a publication or a newspaper, where the sales of manuscripts are announced. In the absence of an actual market place and public channels of communication, it is considered crucial for both buyer and seller to have access to each other through private channels of communication. For that to be possible, the market participants must have personal knowledge of each other, not just of each other's existence, but also of position and influence within the organisation in which they work, of interests and specialisations and of literary taste. Therefore, establishing a wide network of potential buyers is said to be an essential part of the literary agent's job. Evidently, it is usually the agent who approaches the publisher with a manuscript, although occasionally publishers will contact agents in search of manuscripts. Just as it is regarded crucial for agents to have contacts with publishers, publishers will to some

extent court agents in return; it is important for publishers to be amongst the first to receive valuable manuscripts. It is generally acknowledged that publishers and agents exist in a symbiotic relationship in which both parties are very much dependent upon each other.

Before we move on to find out how and where agents build social networks, it is important to examine the concept of networks more closely. According to Pierre Bourdieu, networks are one of the main building blocks of what he labelled 'social capital'. Bourdieu defined social capital as: 'the aggregate of the actual or potential resources which are linked to possession of a durable network of more or less institutionalized relationships of mutual acquaintance and recognition.'[62] Galaskiewicz and Wasserman point out that people can use the social capital derived from their social networks to 'pursue their own goals or interests.'[63] Coleman goes further in describing social capital by placing it in the perspective of other kinds of 'capital':

> Social capital [...] comes about through changes in the relations among persons that facilitate action. If physical capital is wholly tangible, being embodied in observable material form, and human capital is less tangible, being embodied in the skills and knowledge acquired by an individual, social capital is less tangible yet, for it exists in the *relations* among persons.[64]

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[62] Pierre Bourdieu, 'The forms of capital' in *Handbook of Theory and Research for the Sociology of Education* ed. by John G. Richardson (New York: Greenwood Press, 1986), pp. 241-258 (p. 248).
[63] Joseph Galaskiewicz and Stanley Wasserman, 'Social Network Analysis: Concepts, Methodology, and Directions for the 1990s', *Sociological Methods & Research,* 22, Number 1, August (1993), 3-21 (p.12).
[64] James S. Coleman, 'Social Capital in the Creation of Human Capital', *American Journal of Sociology*, 94, Supplement (1988) S95-S120 (pp. S100-S101).

In the case of literary agents, the role of physical capital is less relevant since they rely on few physical tools in the execution of their job. Human capital, on the other hand, seems central to their job and consists of knowledge about the publishing process, the market place and publishing trends. Finally, social capital, in the form of social networks within the industry, is equally essential and this appears to be where the good literary agents distinguish themselves from the rest. Many former publishers, such as David Godwin and Giles Gordon, have had considerable success as literary agents. Supposedly, their existing networks within publishing were valuable tools when deciding which editor a manuscript should be placed with. Furthermore, a recognisable name or perhaps a former colleague's name in the pile of submitted manuscripts is said to attract the editor's attention and might help improve the chances for publication.

According to Galaskiewicz and Wasserman, apart for providing access to people we need in our job, social networks help us in the process of screening others.

> Social networks provide detailed, rich information on others. Not only does recurring interaction provide information on your friends, workmates, neighbors, and family, and some idea about how they will behave in the future, but your friends, workmates, neighbors and family can testify on behalf of others in your network, as well as others outside your network. They can tell you who to trust and who to distrust.[65]

This is viewed as essential to literary agents as a means of vetting potential clients. As we saw earlier in this chapter, very often, new authors are accepted on the basis of

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[65] Galaskiewicz, p. 13.

recommendations from other authors or industry people. The potential cost of representing a new author, both in terms of the agent's time and money, is significant. Therefore, it is considered paramount that the agent has as much information as possible about the author before a decision is made. It is a widespread view in publishing that social networks facilitate this process.

There are several ways in which agents build networks. Meetings with publishers are, of course, the most obvious way, but not necessarily – many industry people argue – the most effective. A more informal setting, such as a lunch, a book launch or a party, is often more conducive to discussing personal topics such as interests and literary taste. Publishers and agents are sometimes criticised for their long leisurely lunches, but these events are said to be crucial in building social capital.

Indeed, 'a publisher's lunch' has become a concept in itself, synonymous with a large extravagant meal accompanied by generous amounts of alcohol, and usually paid by somebody else. As the late publisher and agent George Greenfield, described, 'a publisher's lunch' in the 1960s entailed much more than a quick mid-day sandwich:

> Bryen Gentry, second in command at Cassell & Company, then one of the two or three leading houses in London, had invited me to lunch at Quaglino's, a delectable restaurant in Bury Street, St James's. It was a leisurely, gossipy lunch, well lubricated with introductory dry martinis, a good bottle of wine and a *marc* or two with the coffee, to aid the digestion.[66]

[66] George Greenfield, *A Smattering of Monsters* (London: Little, Brown and Company, 1995) p. 144.

In 1995, lunch was still an important forum for negotiating, forming friendships and building networks. In his book *Kindred Spirits,* the publisher Jeremy Lewis described the significance of a publisher's lunch:

> Publishing – like journalism, or politics, or the law, or the City […] is, by tradition at least, a bibulous affair, the best-known manifestation of which is the publisher's lunch. […] In its ideal form – one's fellow-luncher a friend, his company paying the bill – the publishing lunch is one of the perks of a poorly-paid profession, and something eagerly awaited […] …the lunch itself falls into a formal pattern, with publishing gossip taking us through to the pudding stage, while any business is crammed in over the coffee…[67]

Although they still exist, extravagant publisher's lunches are said to be increasingly rare. Financial pressures have forced publishers to enforce tighter cost control, and luxuries such as expensive entertainment appear have been one of the first casualties.

Interestingly, by social convention, the publisher often pays when an agent and a publisher meet for lunch in a restaurant. In most other business it is usually the seller who courts the buyer and takes care of expenses during the sales process. Publishers often complain about agents' reluctance to pay for restaurant visits. One of the advantages of being an agent, the publisher Colin Webb writes, is that '…as an agent, you don't have to pay for lunch!'[68]

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[67] Jeremy Lewis, *Kindred Spirits: Adrift in Literary London* (London: HarperCollins, 1995), pp. 253-254.
[68] Colin Webb, 'Let's do lunch', *The Author,* Autumn 1994, p. 87.

An important networking venue has been, and to a certain extent still is, the club. For more than a century, the Garrick Club was the most important place for networking in the publishing business. Founded in 1831 by a Mr. Frank Mills, the club's aim was to provide 'a society in which actors and men of education and refinement might meet on equal and independent terms.'[69] According to R.H. Barham, one of the club's biographers: 'The Club was intended to be an inexpensive one, and conversational rather than culinary excellence was the object to be aimed at.'[70] Furthermore, the club had a very exclusive member's policy, this is how it described its body of members in a club report:

> Nearly all the leading actors are members, and there are few of the active literary men of the day who are not upon its list. The large majority is composed of representatives of the best classes. The number of members is limited and the character of the Club is social, and therefore the committee is compelled to exercise their vigilant care, for it is clear that it would be better that ten unobjectionable men should excluded than one terrible bore should be admitted.[71]

For a long time, the Garrick reportedly used its restrictive membership policy to prevent literary agents from joining. However, over the last thirty to forty years, the Garrick Club has lost its position as the pre-eminent networking place for people in publishing. Its men-only policy has been in conflict with the increasing number of women in powerful positions in publishing and its old-fashioned gentleman's club atmosphere is said to no

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[69] The Reverend R.H. Barham, *The Garrick Club: Notices of one hundred and thirty-five of its former members* (Printed privately, 1896), p. vi.
[70] Barham, p. vi.
[71] Percy Fitzgerald, *The Garrick Club* (London: Elliot Stock, 1904) p. 2.

longer appeal to publishing industry people.[72] Instead, clubs such as the Groucho Club in Soho have become more popular meeting places. Unlike the Garrick, the Groucho is open to both men and women and although a large percentage of its members are involved with the arts, media or entertainment, it is not a requirement for membership. The club was established in 1985 'as an alternative to the traditional gentleman's clubs' and currently has four thousand members.[73]

Networking in the publishing industry appears to be influenced by gender and age. Typically, female agents, publishers and authors will socialise and network with each other, as will male agents, publishers and authors. This tendency is not necessarily strictly a gender issue, but it is also fuelled by common interests and experiences. For example, a female publisher might be more likely to commission a book on pregnancy than a male publisher. Although publishing has traditionally been dominated by men, the last couple of decades have seen the emergence of several extremely successful and prominent female publishers. These include Jane Friedman CEO of HarperCollins world-wide, Liz Calder, founder of Bloomsbury, and Victoria Barnsley, founder of Fourth Estate and now CEO of HarperCollins U.K. This stands in contrast to the situation described by the agent Deborah Rogers in 1985: 'In many ways it is easier for women to succeed as literary agents than as publishers; being a fairly new profession, there is less hierarchy to break through than in publishing. Publishers can be very stuffy.'[74] Indeed, a high proportion of literary agents are women, although more men have joined as agenting have become more attractive from a professional as well as

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[72] <http://www.garrickclub.co.uk/openingtimes.asp> (accessed 7 January 2004).
[73] <http://www.grouchoclub.co.uk/history/default.htm> (accessed 7 January 2004).
[74] Blond, p. 30.

financial point of view. The success of women publishers and agents – some argue – can be attributed to efficient female networks. Organisations such as 'Women in Publishing' (WiP), which specifically targets network building amongst women, are said to have been important in promoting women in the publishing industry.[75] In addition, the fact that women are by far the most avid book readers and book buyers – according to surveys, women read twice as much as men – has further strengthened the position of women in publishing.[76] Women readers tend to buy books by female authors which in turn are often agented and published by women agents and publishers.

There also seems to be a clear age divide in the publishing process. Authors have a tendency to gravitate towards agents more or less their own age, while agents have a similar inclination towards publishers. This is considered both natural, and sensible from a business perspective. As Giles Gordon pointed out: 'It is unlikely, for instance, that an agent aged fifty will immediately recognise the original genius of a James Joyce or Kafka in his twenties.'[77] Agents will usually have publishing contacts in their own age group and the books that will appeal to those editors will often be those written by someone in their own generation.

International networks are, reportedly, equally important. Export sales of U.K. books represent a substantial part of total book sales; in 2002 export sales amounted to £1,220

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[75] WiP's stated aim is 'to encourage networking, to provide opportunities for sharing information and ideas and to offer training for career and personal development.' The organisation, set up in 1979, arranges monthly meetings and practical training courses for women in all fields of publishing. <http://www.womeninpublishing.org.uk/> (accessed 1 September 2003).

[76] Boyd Tonkin, 'The statistics might lie but men still should not hide behind their lads' mags', *The Independent,* 27 May 2002, p. 3.

[77] Giles Gordon, 'I Can't Get an Agent!', *TA,* Spring 1987, p. 16.

million, equivalent to around 30% of U.K. sales.[78] Nurturing contacts abroad – particularly in America, the largest export country – is therefore regarded as paramount to success for most British agents. In order to effectively sell subsidiary rights, it is generally accepted that agents need to have a network of sub-agents and foreign publishers, both in America and in Europe.[79] Book fairs are prime venues for building international networks and the Frankfurt Book Fair is regarded as the most important. The fair, as we know it today, started in 1949, but has its roots back in the 15th century. In 1949, 205 publishers participated, by 1981 the number was over 5,000 and in 2001 6,671 publishers from 105 countries were represented.[80] The fair is primarily about selling rights, and besides publishers, agents form the largest constituency. Some observers argue that the somewhat frenzied atmosphere at these events does not necessarily provide the most rational environment for negotiations. Although Frankfurt is considered the most important book fair, it is far from the only one. Annual fairs take place in Bologna, Beijing, New York, Gothenburg and London.[81]

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[78] Jenny Baxter, ed., *Book Publishing: market report 2003,* 16th edn (Hampton: Key Note Ltd.,2003), p. 16. More details on U.K. book export can be found in Appendix G.

[79] Literary agents are primarily an Anglo-Saxon phenomenon. As Giles Gordon explained in *Publishing Now,* outside the English-speaking world, the publisher typically exploits subsidiary rights on behalf of the author. Traditionally, writers' unions negotiate with publisher associations to formulate standard contracts. This is now slowly changing, according to Gordon, especially '…where the writers' unions are weak, and where economic strength and the expansion of modern media are presenting a larger number of domestic rights to exploit, in particular in Germany and Italy'. (Giles Gordon, 'Literary Agents', in *Publishing Now,* rev. edn., ed. by Peter Owen (London: Peter Owen Publishers, 1996), pp. 125-132 (pp. 130-131).

[80] Ian Norrie, *Mumby's Publishing and Bookselling in the Twentieth Century*, 6th edn (London: Bell and Hyman, 1982) p. 178; Liz Bury, 'US outrage subdues Frankfurt', *The Bookseller,* 5 October 2001, p. 5.

[81] The London Book Fair started as a one-day affair at a London hotel organised by two independent publishers. Today it spans three days and takes place in the halls of the Olympia exhibition centre. Publishers, literary scouts and agents can apply for a stand at the International Rights Centre and the organisers check that successful applicants are genuine publishing industry people. Over four hundred agents, publishers and literary scouts took part in the London Book Fair's International Rights Centre in 2001. In addition, there are publisher's and bookseller's stalls as well as a host of other products and services related to the industry on display.

The Association of Author's Agents (AAA)

The AAA is another forum for network building, although this is not its main purpose. It provides a platform from which agents can, on a collective basis, discuss or negotiate with organisations such as the Publishers Association. But it is, reportedly, equally important as a forum for agents to meet other agents, a necessity in a business dominated by one-person agencies. According to its web-site, the AAA 'exists to provide a forum for member agents to discuss industry matters, to represent the interest of agents and their clients and to uphold a code of good practice.'[82] The AAA is run by literary agents on a voluntary basis, for example, Jonathan Lloyd, the President in 2001, was also the managing director at Curtis Brown during his tenure. The council of the association is made up of seven member agents.[83] Of the 180 literary agencies listed in the *WAY 2000* and the *WH 2000*, only 57 or 32% were members of the AAA. To qualify for membership, a literary agent must have been in business for at least three years and have had an annual turnover of at least £ 25,000 each year for the past three years. One of the reasons for the relatively low AAA membership levels is that 16 or 9% of the agencies listed in the *WAY 2000* and the *WH 2000* had been in operation for less than three years and therefore did not qualify for membership. Many of the remaining agencies do not meet the turnover requirement. The AAA's Constitution and Code of Practice (see Appendix F) stipulates what constitutes good practice in the business, for instance, members are prohibited from charging reading fees, obliged to pass on royalty payments within twenty-one days of the publisher's cheque clearing and banned from poaching clients from other agencies. Most of the large, well-known agencies such as Curtis

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[82] <http://www.agentsassoc.co.uk/> (accessed 22 September 2003).
[83] <http://www.agentsassoc.co.uk/> (accessed 22 September 2003).

Brown, Shiel Land, Ed Victor, Blake Friedmann, PFD and A.P. Watt are members.[84] The AAA is also an important pressure group, addressing issues such as discounting and electronic rights, which are relevant to the trade as a whole. In addition, the organisation has an important role in forming policies that set common standards for literary agents.

The Society of Authors and the Writers' Guild

The Society of Authors offers an alternative to employing an agent, particularly for academic, educational and certain non-fiction writers, authors that only publish something very rarely or, indeed, writers who cannot find or do not want an agent. The Society is an organisation designed to 'protect the rights and further the interests of authors', and has status as an independent trade union.[85] Since its foundation, it has served as the pre-eminent channel for improving the occupational status of the author.

More than a century after its establishment, it is still viewed as the most important authors' organisation in the U.K. and still headed by well-known contemporary authors such as P.D. James, Dick Francis, Harold Pinter and Margaret Drabble. The Society has around seven thousand members and provides services similar to those of literary agents. Initially, the Society saw agents as a threat to its own existence and some of the fiercest attacks on agents came from its members. The relationship between the Society and literary agents has improved considerably since then, and today the organisation does not

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[84] <http://www.agentassoc.co.uk/directory.html> (accessed 22 September 2003).
[85] Anonymous, *The Society of Authors: a guide to membership* (London: Society of Authors, [2001 (?)]), p. 1.

see itself as a competitor to agents, but rather as an alternative for those who do not need the comprehensive service that agents offer.[86]

The Society of Authors gives members advice on publishing contracts and what constitutes reasonable terms for publishers, agents, and different types of media companies such as television, radio, film and theatre in addition to advice on tax, copyright, accountancy and libel. It conveys complaints on behalf of members, and will, when the issue at stake concerns authors in general, undertake legal proceedings on a collective basis. The Society organises regular meetings for its members for both business and social purposes and publishes the quarterly magazine, *The Author*. The membership fee was £75 in 2001, with rebates for authors less than thirty-five or more than sixty-five years of age without a stable income. The organisation has a staff of eleven, which reports to a Management Committee of twelve authors and a Council consisting of sixty authors.[87] The Society also operates as agents on behalf of the literary estates of Bernard Shaw, T.S. Eliot, E.M. Forster and Virginia Woolf, which represent an important source of revenue for the organisation.

According to its membership guide, Society membership is open to those who have received an offer to publish or broadcast a full-length work; writers, illustrators and translators who have had a full-length work published, broadcast, or performed commercially, or who have an established reputation in another medium; those who have had at least a dozen items (e.g. articles or short stories) published, broadcast or

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[86] Interview 26 November 2001.
[87] Anonymous, *The Writers' and Artists' Yearbook 2001* (London: A&C Black, 2000) p. 507.

performed; those who have published their own work as a profit-making enterprise; and the owner or administrator of a deceased author's estate.[88]

The other significant writers' association in the U.K. is the Writers' Guild of Great Britain (the Guild). The Guild was established in 1958 and describes itself as a trade union for writers working in television, film, radio, theatre, books and multimedia. It is affiliated with the Trades Union Congress and has over two thousand members. The Guild operates with two levels of membership: candidate membership and full membership. The former is open to authors who are starting out whereas the latter is open to writers who have signed a contract and received payment for a written work. [89] Although their objectives are very similar, the Guild is said to have more of a trade union profile to its organisation than the Society of Authors. Additionally, its focus is more on film and television than the Society's which concentrate exclusively on literature. The Guild has negotiated standards for writers' contracts with a number of organisations such as the BBC, some of the larger theatres, and publishers.

Whereas this chapter has described the state of the literary agency business today, the following chapter returns to the origins of the trade at the end of the 19th century. It provides a historical overview and analysis of the development of the literary agency business throughout the 20th century up until the 1970s, and evaluates the change of attitudes towards agents over the same period.

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[88] Anonymous, *The Society of Authors: a guide to membership,* p. 6.
[89] <http://www.writersguild.org.uk/show_title.phtml?doctype=about&ref=0&section=0> (accessed 9 September 2003).

Chapter II – A Historical Background – The Battle for Professional Acceptance

Copyright and the royalty system

> There is one other charge against men of letters, however, which is distinctly true. It is that of being bad at business. I am quite certain that there cannot be any body of men worse over their own affairs than literary men.
>
> Walter Besant, 1893

Walter Besant would have argued that the establishment of literary agents was a natural development – a sorely needed one – in the lives of professional authors. From Besant's, and many fellow writers', perspective, it represented a small step in a long chain of events that slowly made authors more valued and better paid. Up until the 18th century, very few writers were able to live off their writing. According to Victor Bonham-Carter, the 18th century marked a turning point: '…the 1700s witnessed the progressive replacement of personal by public patronage, i.e. earnings from commercial publications…' The main catalyst was the introduction of the Copyright Statute of 1709.[90]

Even after that point, only very successful and commercially shrewd authors such as Thackeray, Dickens and George Eliot were able to make a living as writers. According to Walter Besant's calculations, at the end of the 19th century, there were some 1,200

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[90] Victor Bonham-Carter, *Authors by Profession: Volume One* (London: The Society of Authors, 1978), pp. 22-25.

novelists, only 200 of whom were able to live off their writing.[91] The vast majority, as Besant explains, went 'hat in hand' to publishers, who, faced with a small and unpredictable market for their goods, paid as little as they could. A writer himself, Walter Besant did not approach the subject objectively. By dramatizing, possibly over-dramatizing, the plight of the author, Besant sought to raise awareness of the position of authors and to improve their situation. The notion that art and commerce were somehow incompatible was, in his view, part of the problem:

> There has existed for a hundred and fifty years at least, and there still lingers among us, a feeling that it is unworthy the dignity of letters to take any account at all of the commercial or pecuniary side [...] For the moment any author begins to make practical investigations into the value - the monetary value - of the work which he puts upon the market – a - hundred voices - arise [...]which will cry out upon the sordidness, the meanness, the degradation of turning literature into a trade.[92]

As we shall see later, publishers' arguments that literary agents would debase literature had their roots in this traditional conflict between art and commerce.

In addition to the Copyright Act, the royalty system – first introduced in the U.S. and gradually adopted by the British publishing industry in the latter half of the 19th century – played an essential part in improving the author's position. As well as enhancing the financial situation of many authors, it is said to have represented a major break-through

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[91] John Sutherland, *Victorian Fiction: Writers, Publishers, Readers* (London: Macmillan Press, 1995), p. 152.
[92] Walter Besant, *The Society of Authors: a Record of its Actions from its Foundation* (London: The Incorporated Society of Authors, 1893), pp. 14-15.

since it ensured that the author, as well as the publisher, would benefit from a book's continuing commercial success. The rise of the literary agent was a parallel development and generally considered to have further strengthened the author's standing. As James Hepburn writes: 'Its [the royalty system's] rise coincided with the rise to power of the literary agent, and the two of them together set the seal upon the improved bargaining position of authors.'[93] Finally, the establishment of the Society of Authors, which could be described as the first authors' trade union, represented – many would argue – an important step forward in consolidating the power of writers.

The first literary agents – the good, the bad and the crooked

Alexander Pollock Watt is considered to have been the first literary agent although more or less professional agents are known to have been involved in the business prior to him. It is unclear exactly when A.P. Watt started as a literary agent; the firm puts the year as 1875, but he is known to have been advising authors before that, although in a less formal capacity.[94]

The sociologist Philip Elliott argues in *The Sociology of the Professions* that one profession often evolves from another. 'First, an occupational group must emerge […] it may follow from the specialisation of knowledge within an existing occupation or through functional specialisation made possible by institutional change.'[95] In the case of literary agenting, what often started out as a side-occupation – as it did for A.P. Watt –

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[93] James Hepburn, *The Author's Empty Purse and the Rise of the Literary Agent* (London: Oxford University Press, 1968), p. 14.
[94] Hepburn, p. 52.
[95] Philip Elliott, *The Sociology of the Professions* (London: Macmillan, 1972), p. 113.

turned into a full-time job. Watt, whose original career was in advertising and as a magazine editor, gave advice to authors on a random basis before establishing his own literary agency.[96] A.P. Watt's clients included such notable contemporary writers as Walter Besant, Wilkie Collins, Arthur Conan Doyle, Thomas Hardy and Rudyard Kipling and W.B. Yeats.[97]

One of the most prominent literary agents at the turn of the 19th century was J.B. Pinker. His agency was founded in 1896 and had an impressive roster of clients including Henry James, H.G. Wells, Arnold Bennett, Oscar Wilde and Joseph Conrad.[98] Following Pinker's death in 1931, his son Eric took over and ran the firm until 1941 when it collapsed, badly affected by the Depression.[99] The third significant agency, Curtis Brown, was established by an American of that name in 1905 and still is one of the largest agencies in Britain. Curtis Brown quickly built up a list of major British authors including D.H. Lawrence and Winston Churchill.

Reportedly, A.P. Watt's less reputable predecessors and contemporaries were instrumental in creating the tension between agents and publishers, and in some cases even agents and authors, which characterised publishing during the early 1900s. The literary agent was regarded as an unnecessary addition to the trade, particularly by the publishing houses. William Heinemann, for example, called agents parasites and refused to have anything to do with them. Heinemann had a particular dislike of A.P. Watt, most

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[96] Hepburn, pp. 51-52.
[97] Hepburn, p. 2.
[98] Hepburn, p. 57.
[99] James Hepburn, ed., *Letters of Arnold Bennett,* vol. I (London: Oxford University Press, 1966), p. 411.

likely because Watt advised Rudyard Kipling to move from Heinemann to Macmillan. Heinemann's description of the literary agent in *The Athenæum*[100], an influential literary review, is believed to be a thinly disguised portrayal of Watt.

> This is the age of the middleman. He is generally a parasite. He always flourishes. I have been forced to give him some little attention lately in my particular business. In it he calls himself the literary agent. […] You become the literary agent by hiring an office; capital and special qualifications are unnecessary…[101]

Heinemann's emotional article exudes disgust and irritation. Not only did literary agents complicate his relationships with his own clients, but they did so – in his opinion – without qualifications and with nothing to contribute. What Heinemann failed to see, of course, was that his own occupation – many would argue – was quite similar to that of the agent in that there were no special qualifications required to become a publisher. Seemingly, his attitude was typical of the publishers at the time. In their eyes, agents were somehow below the salt. However, Heinemann did have a point. Indeed, there were some agents whose behaviour was less than gentleman-like. According to Hepburn, Alexander Macleod Burghes exemplified the shady agent who contributed to the bad

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[100] *The Athenæum,* a journal of 'Literature, Science, the Fine Arts, Music and the Drama', was first published in January 1828 by James Buckingham, a proprietor of several other journals. It came out as a weekly newspaper until February 1921, when it was incorporated with the London periodical *The Nation*. *The Athenæum* featured reviews of books, exhibitions, concerts and plays in addition to other news relevant to these fields. It also served as a discussion forum for topics relevant to literature, science and the arts. In the *The Athenæum: A Literary Chronicle of Half a Century,* John C. Francis, son of the journal's publisher over more than fifty years, described the journal as '…a most instructive and really comprehensive view of the general progress of intellectual life…' It became very influential in British cultural life. (John C. Francis, *The Athenæum: A Literary Chronicle of Half a Century,* vol, I (London: Richard Bentley & Son, 1888) p. xxi.)

[101] William Heinemann, 'The Middleman as Viewed by a Publisher', *The Athenæum,* 11 November 1893, p. 663.

reputation. Burghes and his son were both found guilty of fraud in their business as agents.[102] Arthur Addison Bright committed suicide in 1906 after having swindled £16,000 out of J.M. Barrie.[103] Others were simply incompetent, such as William Morris Colles, a barrister whose involvement with the Society of Authors secured him a notable list of writers including Arnold Bennett and George Meredith. Although Colles, a close friend of both Walter Besant and William Heinemann, was in an excellent position to succeed, he failed to represent his authors effectively and is said to have lost both clients and credibility as an agent.[104]

The battle: agents vs. the publishing establishment (and the Society of Authors)

Heinemann was reportedly joined by other publishers, by the Society of Authors and even by authors in his dislike of agents and the battle between the two camps took on a public nature. Interestingly, the Society of Authors, whose purpose it was to look after the interest of authors, particularly against abuse at the hands of publishers, became one of the fiercest critics of agents.

The Society of Authors was founded in 1883 and the involvement early on of several celebrated authors including Walter Besant, Lord Tennyson, Bernard Shaw, Thomas Hardy, John Galsworthy, H.G. Wells, J.M. Barrie and E.M. Forster lent legitimacy to the organisation. According to Walter Besant, the Society's first chairman, frustration

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[102] James Hepburn, *The Author's Empty Purse and the Rise of the Literary Agent* (London: Oxford University Press, 1968), p. 51.
[103] Ian Norrie, *Mumby's Publishing and Bookselling in the Twentieth Century,* 6th edn. (London: Bell and Hyman, 1982), p. 20.
[104] Hepburn, p. 56 and Victor Bonham-Carter, *Authors by Profession: Volume One* (London: The Society of Authors, 1978), p. 167.

amongst authors was the driving force behind the establishment of the Society, but a precise goal was not at hand:

> It was only felt vaguely, as it had been felt for fifty years, that the position of literary men was most unsatisfactory. The air was full of discontent and murmurs; yet when any of them broke out into open accusation, the grievance, in some mysterious way, became insubstantial, and the charge, whatever it was, fell to the ground.[105]

Slowly, the aim of the organisation took shape and its stated objects were; 1) the maintenance, definition and defence of literary property 2) the consolidation and amendment of the laws of domestic copyright and 3) the promotion of international copyright.

In spite of its respected founders and its knowledgeable and diverse body of members (the fields of poetry, history, theology, fiction, the army, drama and journalism were all represented) the Society apparently struggled to attract members in its early years. In 1892, seven years after its establishment, it had only 870. As Besant put it: '…we were an army of officers without any rank and file.'[106] Notwithstanding its slow accumulation of members, Besant felt that the Society had achieved significant milestones during its first seven years. As he proudly announces in *The Society of Authors: A Record of its Action from its Foundation,* it had 'reduced our Copyright Law from Chaos to order', published guidelines to authors on the publishing process, established an office delivering

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[105] Besant, p. 3.
[106] Besant, pp. 6-7.

advice, founded a journal and established authors clubs.[107] Slowly but surely, the Society built up its membership base. Quite a few of its members were not represented by agents and chose instead to seek business and legal advice from the Society. Others were represented, but wanted to support the Society's activities as a pressure group.

The Society of Authors and publishers were opposed to agents for different reasons; while the Society of Authors argued that not all agents were truly on the author's side, but rather had their own or publishers' interests in mind, publishers claimed they interfered with the author-publisher relationship and jeopardised the quality of literature by being too commercially focused.[108] Authors, in turn, were divided on which side to take. Angry letters frequently filled the columns of *The Author* and *The Athenæum.* Arnold Bennett and H.G. Wells took separate sides in the quarrel through the correspondence column of *The Author*. Wells attacked agents: 'In the past I was not so wise as I am now; I left nearly all my business to an agent. I am still encumbered with his slovenly and disadvantageous agreements' while Bennett defended them: 'Wells, my senior, once advised – nay commanded – me to go to an agent [...] He told me to put the whole of my affairs into the hands of the agent. I did so. I have never regretted it.'[109] It looks as though, both men were right. There was some truth in publishers' and some authors' claims that not all agents were competent or even honest. But equally correct were agents' claims that some publishers did take advantage of authors. Sir Stanley

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[107] Besant, pp. 31-32.
[108] Hepburn, pp. 80-83.
[109] Findlater, Richard, ed., *Author! Author!: a selection from The Author, the journal of the Society of Authors since 1890* (London: Faber and Faber, 1984), pp. 63-65.

Unwin, prominent publisher and writer on the industry and a fierce opponent of agents, voiced his views in *The Truth About Publishing,* first published in 1926:

> It is amusing to observe that the question of protecting the author from his supposed protector – the literary agent – is now frequently discussed in the columns of *The Author.* (As this remark, in an earlier edition, led to my being charged with 'unfairness' to literary agents, may I in self-defence point out that two have since been sent to prison and that a third died just in time to save a prosecution.)[110]

Even the *WAY* found it necessary to warn authors of dishonest agents. The 1932 edition includes the following passage:

> Owing to complaints of the methods of some literary agents it has been deemed advisable, in the interest of writers, to cut the usual details of terms upon which business is negotiated. Anyone needing the services of an agent is likely to make a more careful choice if preliminary investigations is a forced necessity. MSS should not be forwarded before preliminaries are arranged.[111]

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[110] Sir Stanley Unwin, *The Truth About Publishing,* 5th edn (London: George Allen & Unwin, Ltd, 1947), p. 291. *The Truth About Publishing,* written by the head of George Allen & Unwin Ltd, was geared towards authors and explained the publishing process from start to finish. It soon became a classic and was for many years *the* authoritative book on publishing. The first edition, published in October 1926, was followed by seven editions over the next fifty years. The book was published in the USA and translated to at least twelve different languages. After Sir Stanley Unwin's death, his nephew Philip Unwin revised and partly re-wrote what would be the 8th and final edition of *The Truth About Publishing.* Unwin saw the need for a book of this kind as 'The growing commercialization of literature – inevitable though it may be – does not tend to promote more harmonious relations between authors and publishers.'*(The Truth About Publishing,* 7th edn, p.14). The book's perspective is coloured by Sir Stanley Unwin's background as a publisher and is at times quite hostile towards agents.

[111] Anonymous, *The Writers' and Artists' Yearbook 1932* (London: A. & C. Black Ltd., [1932 ?]), p. 198.

But agents, according to Walter Besant, were not the only ones to be wary of. From information collected by the Society of Authors, Besant concluded that some publishers took advantage of authors.

> … from every possible sources of information, we have arrived at a knowledge of the business side of literature which is certainly unrivalled by that possessed by any man, even by any man actually engaged in publishing. We know, especially, by experience, that a system which demands blind confidence on one side not only invites a betrayal of that confidence, but must inevitably lead to such a betrayal. There is no body of men in the world who can be trusted not to cheat should a man say to them, 'Take my property. Do what you please with it. Bring me what you like for my share. I shall never inquire into your statements or audit your accounts.' This is what has been done, and still is done every day. That man invites fraud who says beforehand that he will not question or doubt the returns. This being so, we were not at all surprised to find that frauds were being carried on very extensively. Not universally. We have always most carefully made that necessary reservation.[112]

The exchanges between the publishing and agent establishments were emotional and quite often exaggerated. The kind of language used by the various parties including words such as 'fraud', 'betrayal of confidence', 'self-defence' and 'parasite' testifies to that. The public nature of the debate and the formidable personalities involved ensured a colourful exchange of opinions. However, as we will see later in this chapter, larger issues and principles were at stake.

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[112] Besant, p. 20.

Although Heinemann refused to deal with agents and other publishers were sceptical, some publishers saw the benefits of the agent's work. According to James Hepburn, Andrew Chatto, Sr., F.V. White and George Haven Putnam were generally more agent-friendly.[113] Arthur Waugh, managing director of Chapman & Hall, Ltd., also took a more conciliatory view. In *A Hundred Years of Publishing,* published in 1930, he praises the work of A.P. Watt, J.B. Pinker and Curtis Brown and goes on to conclude that '…the agents' visits had become one of the most important features of the publisher's morning work.'[114] As time passed, more and more publishers came to appreciate, even depend on, the agent and by the 1930s the public row between agents and publishers had died out. In 1935, Curtis Brown concluded that the public battle was over: 'The old days of suspicion and huckstering have mostly vanished…' he wrote.[115] Publishers such as Michael Joseph learned to appreciate the work of agents. 'Because authors are for the most part unbusinesslike, ignorant of market conditions and the laws of copyright and libel, and of the commercial value of their work, they need representation' Joseph wrote in 1945. He went on to emphasise how an agent's exploitation of copyright can represent considerable benefits to the publisher: 'The agent who can advantageously place the film rights of one of my firm's novels has my blessing.'[116] As agents became a permanent feature on the literary scene, even Heinemann had to compromise on his refusal to deal with them; however, the anti-agent attitude is said to have survived long in the firm. As late as the 1980s, Charles Pick, the then chairman and managing director of Heinemann,

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[113] Hepburn, p. 2.
[114] Arthur Waugh, *A Hundred Years of Publishing* (London: Chapman & Hall, Ltd., 1930), p. 207.
[115] Curtis Brown, *Contacts* (London: Cassell and Company, Ltd., 1935), p. 239.
[116] Michael Joseph, *The Adventure of Publishing* (London: Allan Wingate, 1949), pp. 185-186.

was known to be hostile towards agents and especially aggressive in negotiations with them. As the publisher John St John, author of *William Heinemann: A Century Of Publishing 1890-1990,* points out, this had negative repercussions for Heinemann: 'More than one other agent has told me that because of [Pick's hostility] Heinemann tended to be well down their list of the more important publishers to be offered a valuable property.'[117]

Building a reputation – agents and their professional status

What was behind publishers' fierce and vocal opposition to agents? Contemporary commentators, particularly those with a publishing background, argued that agenting was not a proper profession and that agents should therefore be viewed with suspicion. Heinemann, as we have seen, did his bit to undermine the reputation of literary agents. The publisher Henry Holt was also sceptical towards the agent: 'But I unhesitatingly say that in carrying his functions farther [than as a lawyer and auditor], the agent has been the parent of most serious abuses, has become a very serious detriment to literature and a leech on the author…'[118] In the eyes of publishers, agents were only motivated by financial rewards and should be viewed as a 'trade' and treated with suspicion. Publishers, on the other hand, had the greater good of the community in mind and were motivated not by greed but by fostering literary talent. At least this is how publishers sought to portray themselves. By likening their own role with that of medicine, the law

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[117] John St John, *William Heinemann: A Century of Publishing 1890-1990* (London: Heniemann, 1990), p 530.
[118] Henry Holt, 'The Commercialization of Literature', *The Atlantic Monthly,* 96, November (1905), 577-600 (p. 583).

and other established professions, publishers juxtaposed their own 'noble' role with the 'opportunistic' role of the agent.

At this juncture, it is important to clarify the use of the word 'profession'. In everyday language, one might use the word 'profession' as an alternative to 'job'. For purposes of this thesis, however, the word 'profession' will be used in its narrowest sense. A 'profession' will only refer to an occupation that has been through a process of professionalisation, as described in more detail below.

Sociologists have struggled to define the notion of a 'profession' and a coherent universally accepted definition still does not exist. They do agree, however, that a profession culminates from a 'process of professionalisation' consisting of a number of stages. Geoffery Millerson has compared the various definitions of a 'profession' and listed the most frequently mentioned characteristics. They included; skills based on theoretical knowledge, training and education specific to the profession, testing of prospective professionals, organisation, adherence to a professional code of conduct and altruistic service, i.e. the notion of serving the greater good of the community, such as a doctor.[119] In Millerson's view all these characteristics could be seen as part of the process of professionalisation.

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[119] Geoffrey Millerson, *The Qualifying Associations: A Study in Professionalization* (London: Routledge & Kegan Paul, 1964), pp. 4-8. The notion of altruistic service was very much a part of the 'professions' at the turn of the last century. In 1964, however, Millerson argued that altruistic service was no longer relevant as the divide between business and professionalism had disappeared. Time had erased the divide between the professions and business: '...reconciliation has occurred through a mixture of the two. Professions have necessarily adopted business methods. Business has absorbed professionals, and adopted a more deliberate sense of responsibility.' Equally, the role of altruism in professionalism faded as business became an accepted part of every profession.

A widespread view in publishing is that few, if any, of these characteristics applied to the agent. Firstly, starting as an agent did not require a fixed set of skills or a specific education, which contributed to the early image of the agent as someone uneducated and incompetent. In his description of the process of professionalisation, Philip Elliott, writes that: 'As time goes by [...] qualifications will be laid down for entry to the occupation and entry routes institutionalized. An occupation with pretensions to professional status cannot afford to be seen as a refuge for the unqualified'.[120] Herein – many industry observers would argue – lies part of the explanation for the literary agent's lack of status and acceptance. Even today, there are no standard qualifications or requirements to enter into the world of literary agency, although a large number of agents have backgrounds in publishing. Unlike professions such as medicine or the law, where the knowledge base is tangible, technical and well-established, literary agents' expertise consisted, and still does, of knowledge about less tangible concepts such as the market and social networks. An organisational framework or trade association did not exist. Authors and publishers lacked an organisation to approach in case of malpractice, of which there were quite a few examples in the early days of agenting, and had nowhere to go to ensure the legitimacy of prospective agents, which in turn is said to have fuelled the scepticism within the publishing industry. Critics of literary agents contrasted the business's lack of professional standards with that of other better organised professions: 'whereas a client was reasonably protected by the law and regulations of the Law Society against the malpractice of a solicitor, no such safeguard existed against an agent, for whom no

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[120] Elliott, p. 112.

formal qualification was required and who belonged to no professional or trade association.'[121]

Millerson's final characteristic is that of altruistic service, which was central to the notion of a profession at the turn of the last century. The publishing business was considered, particularly by those within it, to be an altruistic industry: a public service for the good of the society as a whole. It is important to keep in mind that the royalty system had only just become the standard, following debates whether or not economic rewards would degrade writing and literature into a 'trade'. Thus, the idea of literature being exploited for commercial gains was still relatively new. In the view of early 20th century publishers, literary agents lacked the altruistic perspective. Unlike themselves, publishers argued, literary agents were not there to serve the greater good and help encourage and produce quality literature, rather, their motivations were purely commercial. As an example, at the beginning of the last century it was considered unacceptable for an author to switch to a higher paying publisher. This, of course, was at the heart of an agent's job: to make sure that the author was rewarded at the highest possible rate for his work. The point is illustrated by Henry Holt's attitude towards competition between publishers: 'The author told me that the other [publishing] house had been after him, and that he had concluded to give his book to the higher bidder. I wrote at once that I would not do business in that unprofessional way.'[122] The responsibility for this 'mad competition'

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[121] Victor Bonham-Carter, *Authors by Profession: Volume Two* (London: The Bodley Head and the Society of Authors, 1984), p. 73. More than seventy years would pass before a trade association, the Association of Authors' Agents, was established, and even that organisation could not be compared to those of the established professions.

[122] Holt, p. 590.

rested, according to Holt, with the literary agent.[123] The idea of treating literature as a commodity seemed wrong to Holt and many of his contemporaries. Added to that – and what many people would have described as 'less altruistic' – was the inconvenience of having to pay more for manuscripts.

The notion of altruism in the professions coincided with, or was perhaps the result of, a wider debate in society around 'commercialism' versus 'gentlemanly professions'. According to Philip Elliot the values of a newly industrialised society clashed with those of long-established professions.

> Particular stress in the inter-war period was laid on the contrast between business and the professions. This was a contrast between economic self-interest and altruistic service for limited rewards, between the profit motive and professional ethics. [...] The ideology of liberal education, public service and gentlemanly professionalism was elaborated in opposition to the growth of industrialism and commercialism. This is one reason why it drew so heavily on the older tradition of gentlemanly leisure and the established professions. It incorporated such values as personal service, a dislike of competition, advertising and profit, a belief in the principle of payment in order to work rather than working for pay and in the superiority of the motive of service.[124]

Against this backdrop, one can easily see how the conflict between agents and publishers arose.

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[123] Holt, p. 599.
[124] Elliott, p. 9 and p. 52.

As we have discussed earlier, advertising was considered too vulgar for the professions. The assumption was that clients would come on the basis of recommendations. The following quote from Talcott Parsons's 1949 *Essays in Sociological Theory* illustrates the attitude towards advertising: 'Business men are [...] expected to push their financial interests by such aggressive measures as advertising. They are not expected to sell to customers regardless of the probability of their being paid, as doctors are expected to treat patients.'[125] Parsons juxtaposes the ideas of advertising, financial reward and business with those of public service, altruism and the professions. Indeed, even today, many people would look at advertisements by doctors and lawyers with a certain level of suspicion. These professions are expected to generate their client base from recommendations rather than advertisements. In an interview with *The Bookman* in 1892 Watt distanced himself from what was perceived as the base activity of advertising: '...for I never advertise, you know – I gradually came to occupy the position I now hold.'[126] In fact, Watt did advertise, albeit in an unconventional way. His book *Letters addressed to A.P. Watt,* which came out occasionally during the 1890s, had seemingly two purposes; one was to distinguish A.P. Watt from literary agents of ill repute such as Burghes and Colles by showing endorsements from established publishers and authors. The other was to market his services. The books explain the role of a literary agent, list A.P. Watt's clients and include a number of complimentary letters to Watt – some of which are clearly solicited – from clients and even publishers.

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[125] Talcott Parsons, *Essays in Sociological Theory,* rev. edn. (London: The Free Press of Glencoe, 1964), p. 43.
[126] Bonham-Carter, vol. 1, p. 169.

LONDON,
March 14th, 1892

Dear Watt,

Certainly you have managed for me admirably. I only wish I had put my affairs into your hands sooner

Yours sincerely,

JEROME K. JEROME

214 Piccadilly, London,
June 2, 1885

Dear Mr. Watt,

It is with much pleasure that we acknowledge the valuable assistance we have received from you in arranging for the serial publication of the numerous copyright stories which we have intrusted to your care, as well as the agreeable nature of all our other business transactions with you in the purchase and sale of authors' MSS. and copyrights. Your great experience, wide connection, and high standing, both with authors and publishers, must undoubtedly be useful to any one requiring similar help.

Yours very faithfully,

Chatto & Windus[127]

Many commentators have argued that publishers were right to insist that agents were 'trade' and that neither their role nor their way of operating had anything to do with the professions. However, publishers appear to have used this fact to their own advantage in creating a negative image of the literary agent. They also sought to juxtapose the image of the literary agent with that of a more honest, altruistic and 'profession-like' publisher image. If we apply Millerson's criteria, it seems unlikely that even publishing would be considered a profession. Like agenting, no formal qualifications were, or indeed are,

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[127] A.P. Watt, *Letters addressed to A.P. Watt* (London: A.P. Watt & Son, 1894), p. 44; A.P. Watt, *Letters addressed to A.P. Watt* (London: A.P. Watt & Son, 1896), p. 18.

needed to start as a publisher and, although an organisational framework existed, it was and still is, less rigid than in the case of the professions. For example, membership of organisations such as the Publishers Association is not, and has never been, a requirement in order to operate as a publisher. Nevertheless, throughout the years some publishers have liked to consider themselves part of a profession, as Henry Holt illustrates. 'While our confessing publisher is evidently up to the requirements of his trade, he is also alive to the higher responsibilities of what he is pleased persistently to call his "profession." ' However, Holt continues '…the trade of publishing has come to a pass such that great changes must take place before it can deserve the name of "profession"…'[128]

So why did publishers feel superior? One factor that did distinguish publishers from agents was the need for capital. Only men with access to funding, in practice only wealthy men or men with connections, could start as publishers, whereas anyone could set up as an agent. Indeed, as we have seen, Heinemann implies that the lack of capital involved in agenting was a reason to be suspicious of agents. Publishers were generally from upper middle class backgrounds, often sons of wealthy men, who for one reason or another chose not to go into the family business, or sons of already established publishers. This was in sharp contrast to the agent, who did not necessarily have any credentials or connections and whose purpose was very much commercial: to maximise the author's income. The notion of a 'middleman', as Heinemann described them, evoked images of someone standing in the way, or interfering, a third unnecessary person inserting himself into a well-established relationship.

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[128] Holt, p. 577 and p. 600.

As Ray B. Westerfield explains in 'Middlemen in English Business', the scepticism towards middlemen[129] and their lack of status had roots going back to the Middle Ages:

> In the medieval period the landed interests predominated in wealth, influence and respectability. The tradesmen's business, in this age of direct exchange at public markets, was regarded in some cases as parasitic and sinful. There was generally in public opinion and esteem a predisposition in favour of the agricultural folk and the hereditary landed gentry and nobility.[130]

Tradesmen were in other words not wealthy enough to yield respect. However, according to Westerfield, with financial success, the tradesman's status could improve.[131] By definition, middlemen were usually not possessors of great wealth. If that had been the case, they would have been producers of goods and not middlemen. Middlemen's lack of status – many would argue – was as much driven by their social class and low social standing as by the actual job they undertook. Although tradesmen from the Middle Ages are by no means directly comparable to literary agents of the early 20th century, it is possible that the stigma attached to literary agents had its roots in the medieval middleman's lack of status.

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[129] Ray B. Westerfield, 'Middlemen in English Business: Particularly Between 1660 and 1760', in *Transactions of the Connecticut Academy of Arts and Sciences,* vol. XIX (New Haven: Yale University Press, 1915), pp. 111-445 (pp. 119-120). Westerfield defines middlemen in the following manner: 'Middlemen are understood to include the series of traders through whose hands commodities pass on their way form the maker or producer to the consumer.'

[130] Westerfield, p. 400.

[131] Westerfield, p. 401.

Although snobbery and social class were clearly elements of the conflict between agents and publishers so was the difference in style and attitude of the publisher – the 'gentleman' – and the agent – the 'player'. Most agents were not as criminal or incompetent as publishers would have liked people to believe, but it was evidently in publishers' interest to portray them as such. The snobbery, a defensive reaction against the perceived threat posed by agents, reportedly prevailed in the business for a long time, as illustrated by these comments by long-time literary agent Hilary Rubinstein, previously head of A.P. Watt,: 'Peter Watt was the first agent to be admitted to the Garrick (I was the second!) It was said that agents would lower the tone of the club because they would talk business in the club – officially non-pc. But business is talked all the time at the club anyway.'[132] Peter Watt, grandson of the founder Alexander P. Watt, finally became a member in 1960 whereas Rubinstein joined in 1977.[133] Barring literary agents from joining a gentleman's club like the Garrick not only sent the message that they were socially unaccepted, it also prevented them from building up valuable connections. Moreover, publishers' snobbery is said to have been fuelled by a sense of tradition. Whereas agenting was a new occupation, publishing was a centuries old business. Although there were, as we have seen, examples of dishonest agents, the successful ones were generally trustworthy and professional. The largest and most powerful agencies were headed by strong-willed men with extensive contacts within the worlds of publishing and writing. Contacts were considered essential, particularly in the early days, and indeed even its raison d'être in many cases. Curtis Brown's valuable social connections were instrumental in the establishment and survival of his firm.

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[132] Hilary Rubinstein, Letter, 16 July 2002 (in my possession).
[133] The Librarian, the Garrick Club, 29 August 2003 (e-mail in my possession).

Likewise, A.P. Watt's network of contacts from his publishing career proved indispensable when he started as an agent.[134]

The establishment of the AAA

As mentioned earlier, the establishment of a trade organisation has historically been an important step in the process of professionalisation. A trade organisation lends legitimacy to the profession and ensures consistency across the industry. It also serves as a control mechanism of its members where the possibility of exclusion works as an incentive to abide by self-imposed regulations. Trade organisations adopt rules of conduct whereby the profession's own views of what constitutes professionalism are publicised. Literary agents were slow to organise and – some observers have suggested – they suffered as a result.

The agent Raymond Savage made two unsuccessful attempts at establishing an agents' association, first in the late 1920s and later in 1937. The Society of Authors had complained that there was no agents' code of conduct and strongly encouraged the establishment of the Society of Literary Agents. According to Hepburn, 'the three biggest agencies refused to support such an organization, others were suspicious of it, and too many of the remainder were incompetent and unscrupulous agents that had everything to lose by joining.'[135] It is not entirely clear why Curtis Brown, Pinker and A.P. Watt, the three largest agencies at the time, were opposed to the idea of an organisation. After all, they must have been aware of the need to legitimise their

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[134] Bonham-Carter, vol. 1, p. 169.
[135] Hepburn, p. 98.

business and gain professional acceptance. Some observers have suggested that they felt superior to their competitors. Part of the explanation appears to lie in the conflict that arose between Curtis Brown and three of its employees, Nancy Pearn, Laurence Pollinger and David Higham, who in 1935, left to establish their own agency. According to Higham's autobiography *Literary Gent,* the row started when Curtis Brown promoted Spencer Curtis Brown at the expense of Higham, Pearn and Pollinger. The three, Higham writes, '…didn't much either respect or care for' the man who was also ten years their junior and decided to leave. In less than a year, the firm of Pearn, Pollinger and Higham had, according to *Literary Gent,* three hundred former Curtis Brown authors in their stable, which was extremely unpopular with their previous employer.[136] Reportedly, the bitterness was such that representatives from the two firms refused to be in a room together for several decades. Without the participation of two of the largest firms, an agents' association would not have been very effectual.

The failure to establish an organisation cannot solely be blamed on this conflict; turf wars and jealousies between other agencies are bound to have contributed. As Bonham-Carter points out: 'despite pressure from the Society, and because of their own innate competitiveness and liability to split up into new partnerships, agents were for many years reluctant to combine for their own advantage.'[137] Almost forty years were to pass before another attempt at organising agents was made, and, finally, in 1974 the Association of Author's Agents (AAA) was successfully established. Even at that point, Curtis Brown, then the largest agency in London, refused to join, as did David Higham

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[136] David Higham, *Literary Gent* (London: Jonathan Cape, 1978), pp. 154-156.
[137] Bonham-Carter, vol. 1, p. 172.

Associates and Laurence Pollinger Ltd, agencies established following the break-up of Pearn, Pollinger and Higham. The delay in establishing an agents' association undermined the reputation of literary agents and, as we have seen earlier in this chapter, was an impediment to professional acceptance within the publishing business.

A change of attitudes towards agents

A slow but definite change in publishers' attitudes towards agents can be seen throughout the 20th century. Today, for example, Random House's web-site encourages authors to use an agent. 'It is very hard to have a book published unless you have an agent, start there rather than send manuscripts to publishers', it reads, far removed from publishers' attitudes to the early agents.[138] One can trace this gradual change of attitude in literature about the publishing industry such as Unwin's *The Truth About Publishing*. Between the 1960 and 1976 editions of his book (the latter edited and revised by Philip Unwin, his nephew) there is a considerable mellowing of its scepticism towards agents. For example, in the description of an agent the sentence 'For this profitable occupation no qualifications seem to be required' has been removed in the 1976 edition. In the 1960 edition, Unwin makes the point that only 'some of them' are honest enough to admit to being unable to handle certain types of books, whereas in the 1976 edition this has been changed to 'most of them.'[139] In addition, Philip Unwin has added a somewhat apologetic paragraph in the later edition.

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[138] <http://www.randomhouse.co.uk/faq.htm> (accessed 1 September 2003).
[139] Unwin, 7th edn, p. 291; Sir Stanley Unwin, ed. Philip Unwin, *The Truth About Publishing,* 8th edn (London: George Allen & Unwin, Ltd, 1976), pp. 195-6.

> Sir Stanley never lost something of the pre-1914 publisher's resentment of the advance of the literary agent and he did, indeed, attack the shortcomings of some most vigorously in earlier editions of this book. Later he moderated his views and developed genuine respect for members of some of the leading firms [...] Were Sir Stanley writing today I have little doubt that he would make some further concessions in favour of agents...[140]

By 1976, the publishing climate had changed and agents were no longer considered outcasts in the publishing world. Philip Unwin needed to distance himself and his publishing company from the anti-agent attitude held by Sir Stanley.

When starting out as a publisher in 1947, George Greenfield, unlike many of his contemporaries, quickly realised the necessity of having good relations with agents. 'It was essential, I soon realised, to attract the more important literary agents, let them realise I had a list to build and money to spend.'[141] Despite the change of attitudes towards agents during the 1960s and 1970s, traces of scepticism can still be seen in more recent publishing literature. The publisher Anthony Blond offers slightly ambiguous advice in the first edition of his book *The Book Book* published in 1985:

> If you have written a book and are too busy or too cowardly to parcel up your typescript and send it to a publisher yourself, are unsure of

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[140] Unwin, 8th edn, p. 197.
[141] George Greenfield, *A Smattering of Monsters* (London: Little, Brown and Company, 1995), p. 74.

> whom to approach, despite having read this book, and fear rejection, baffling letters or complicated legal transactions, then seek out an agent.[142]

While indicating that hiring an agent is somehow cowardly and unnecessary for the self-assured and intelligent writer, he goes on to praise the work of agents.

> He or she will scan your *magnum opus* with a friendly, experienced eye and offer knowledgeable, reasoned guidance [...] From the publisher's point of view, an agent can be a great asset, as sifter, sorter and source. Publishers gain many of their best authors through literary agents who save them having to trawl the oceans. [143]

Publishers' change of attitude towards agents is described by Christopher Sinclair-Stevenson – then Managing Director of Hamish Hamilton – in the Summer 1989 edition of *The Author.* When first joining publishing in the early 1960s, he was warned against dealing with 'that gang of rapacious bandits', in the late 1980s, publishers were still apprehensive about agents 'their outrageous demands, scandalous auctions, and preposterous prices', although one could no longer choose not to deal with them. In fact, Sinclair-Stevenson goes on to say that almost every author needs an agent and that agents on the whole, are 'a good thing.'[144]

George Greenfield also concluded that: 'The status of literary agents has changed considerably in the past forty years. In the early 1950s they were very much second-class

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[142] Blond, pp. 18-19.
[143] Blond, pp. 19-20.
[144] Christopher Sinclair-Stevenson, 'Who Needs Agents?', *The Author,* Summer 1989, p. 40.

citizens.'[145] The agent Michael Sissons of PFD made a similar observation when he joined the trade in the late 1950s: 'I was conscious of joining a young trade, in which very few firms and even fewer individuals had earned themselves trust. Most publishers still tried to persuade authors not to use agents.'[146] Giles Gordon agreed: 'When I came to London in 1962 and started out in publishing we really despised agents, they were not invited to publisher's houses; publishers were gentlemen, agents were trade.'[147] Gradually, this attitude would loosen its grip on the publishing community. As Michael Legat's more recent commentary on the publisher-agent relationship in *An Author's Guide to Literary Agents* published in 1995 demonstrates, attitudes have been changing. 'Do publishers think the same way about agents nowadays? There is perhaps a certain ambivalence in their attitude, but [...] agents are powerful people in the literary world, and most (but not all) publishers do their best to curry favour with them.'[148]

Slowly but surely, agents came to be accepted. The professional and honest agents soon seemed to outnumber the corrupt ones. Agents were said to get better at their jobs and became increasingly indispensable to authors. Eventually, publishers accepted that agents were a permanent part of the publishing business and that they served a useful purpose. This change of attitude on the part of publishers – many industry observers believe – was accelerated by the realisation that agents could simplify their own job.

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[145] Greenfield, p. 134.
[146] Michael Sissons, 'The agent's changing role', *The Author,* Summer 1979, p. 54.
[147] Interview 23 March, 2000.
[148] Michael Legat, *An Author's Guide to Literary Agents* (London: Robert Hale, 1995), p. 113.

By the end of the 20th century, agents were apparently not only accepted but even admired. Owing to high profile individuals such as Ed Victor and Andrew Wylie, agents had attracted the attention of the press. As one established agent pointed out, media focus had changed from prominent personalities in publishing such as Jonathan Cape, William Heinemann and Victor Gollancz to prominent personalities in agenting such as Wylie and Victor.[149] Wylie, partly because of his unorthodox business practice and partly because of his famous clients, had achieved something of a celebrity status. Articles about him appeared in broadsheet newspapers, such as *The Times* and the *Guardian*. He was occasionally pictured in gossip columns in magazines such as *Hello* and *Tatler*. D.J. Taylor of the *Independent on Sunday* commented on this extraordinary transformation of agents from outsiders to celebrities:

> Thirty or even 20 years ago, the average literary agent was a shy, retiring flower, fearful of publicity, satisfied with his 10 per cent and a mention in his protégés' memoirs. Three decades on, Sunday supplement art pages bulge with admiring profiles of industry savants such as Andrew Wylie or hip young thrusters like Jonny Geller of Curtis Brown…[150]

The Bookseller also noticed a change of status.

> …agents […] have in recent years shed the image of operators who feed off the talent and industry of others. Indeed, agenting might be said to be

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[149] Interview 20 January 2000.
[150] D.J. Taylor, 'Every author's new best friend', *The Independent,* 21 November 1999, Culture Section, p. 1.

the most fashionable book trade calling, pursued by many of the smartest editors who become disillusioned, or downsized, by the conglomerates. Agenting is seen as being independent, and creative, and profitable.[151]

Peter Straus's move from his position as editor-in-chief at Picador to partner at the literary agency Rogers, Coleridge & White in June 2002, is generally acknowledged to have had enormous symbolic significance. The fact that Straus, one of the most respected publishers in the industry working for one of the most prestigious houses, decided to leave a promising career in publishing to join a literary agency illustrates – some would argue – the status of agenting today. Agenting, it is said, is no longer secondary to publishing, but an equal, for some, even more attractive, alternative to a career as a publisher. Agents' view of themselves also seemed to have changed. A feeling of inferiority lingered in conversations with older agents. At the same time, there was also awareness, even astonishment that their occupation had advanced as far as it had. Younger agents, most of whom had not experienced publishers' derogatory attitude first-hand, seemed less affected by this historical burden.

The professional status of the agent today

At the turn of the last century, literary agents' status as a 'trade' rather than a 'profession' was perceived as an obstacle to professional respect, particularly amongst publishers. The question is whether this distinction is equally important today. First, we need to find out whether or not agents have the status of a profession in today's publishing environment.

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[151] Anonymous, 'Agents: will middlemen become top dogs?', *The Bookseller,* 22 September 2000, p. 20.

If we return to Millerson's criteria we will see that it is still unlikely that literary agents would be considered part of a profession, even without altruistic service as a requirement. The increasing responsibility of the agent, including closer editing, vetting of more complex contracts and negotiation of a wider range of rights are all tasks that require expertise and that appear to have added status to the agent's role. However, although an increasing number of agents have publishing backgrounds, there are still no uniform qualification requirements or educational path. A trade association exists in the form of the AAA, but membership is voluntary and the nature of the organisational framework is perceived as much looser that is the case for the established profession.

Agents themselves certainly do not seem to consider their job a profession, as these comments by the late Giles Gordon illustrate.

> Literary agents, in a manner of speaking, are a necessary evil. Their curious trade – certainly less than a profession – came into being when authors started to feel, near the end of the last century, that they were sometimes failing to receive the most beneficial deals they could from publishers.[152]

In light of these facts, we need to find out how likely it is that literary agents will one day be regarded as part of a profession and, perhaps even more importantly, whether or not that would make a difference to their role.

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[152] Giles Gordon, 'Literary agents', in *Publishing Now* ed. by Peter Owen (London: Peter Owen, 1993), pp. 165-172 (p. 165). *Publishing Now* was first published in 1993 and included contributions from several prominent publishing industry people including Nigel Newton, Peter Staus, Tim Waterstone and Giles Gordon. In 1996 its editor Peter Owen updated and revised the book.

In his 1964 article 'The Professionalization of Everyone?', Harold Wilensky rejected the idea that all occupations would one day become professions. According to Wilensky:

'While there may be a general tendency for occupations to seek professional status, remarkably few of the thousands of occupations in modern society attain it. Perhaps no more than thirty or forty occupations – are fully professionalized…'[153] Certain occupations have been firmly established in the realm of the professions for decades such as the law, the clergy, university teaching and medicine, argues Wilensky, while others were added later such as dentistry, architecture, accounting and some areas of engineering. Still others are going through the process of professionalisation. However, adherence to the definition of a profession does not in itself guarantee the status of one. In addition to the defined elements of a profession, there were also the issues of power and autonomy, as Randall Collins points out in *The Formation of Professions*:

> Professionalization thus became viewed as a matter of power, a high degree of success in the struggle for autonomy; the formation of a self-regulating community was seen as the key to such success […] Although many occupations may aspire to this kind of power and status, they succeed only in degree, because success here depends upon conditions not available to everyone: control of areas of uncertainty, and the capacity to organize for collective validation of work in such areas.[154]

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[153] Harold L.Wilensky, 'The Professionalization of Everyone?', *The American Journal of Sociology,* vol. LXX, number 2, September (1964), 137-158 (p. 141).
[154] Randall Collins, 'Changing conceptions in the sociology of the professions', in *The Formation of Professions: Knowledge, State and Strategy* ed. by Rolf Torstendahl and Michael Burrage (London: Sage Publications, 1990), pp. 10-23 (p. 13).

Collins uses the example of engineers, who have had complex technical knowledge for 'at least 2000 years' and are indispensable to everyday modern life. But, he argues, they have not been able to organise in an efficient way and 'have rarely had high prestige'. 'The issue', Collins maintains, 'is not merely whether particular occupations hold particular kinds of knowledge, but whether their knowledge is the basis of their prestige and closed organizational structure.'[155] Collins's example suggests that the increasingly complex knowledge required of literary agents does not in itself pave the way for the status of a profession. It is doubtful whether the expertise of literary agents is technical enough to form the basis of their prestige or to provide the backbone of their trade association.

Some occupations seem by their very nature to be excluded from ever becoming professions. This is particularly true for occupations that serve the role of middlemen such as real-estate agents and stockbrokers and, indeed, literary agents. Although the literary agent's job involves extensive knowledge of the publishing market and people within it, and requires negotiating and editing skills, its main purpose is to match buyers and sellers of manuscripts. This is not to say that literary agents, or indeed real-estate agents or stockbrokers, do not serve a useful purpose, but their role remains that of a middleman, to find a buyer for a product.

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[155] Collins, p. 18.

A further question is whether or not it is a necessity, or even desirable, for literary agents to achieve the status of a profession. Arguably, contemporary society is less focused on the difference between professions and occupations than was the case a century ago. Professional status – it appears – is no longer exclusively associated with knowledge base, organisational power and professional autonomy, but is increasingly linked to financial rewards. Indeed, much of the attention given to literary agents over the past decades has centred on money, usually in the form of high advances. The rise to power of the literary agent suggests that professional respect is no longer reserved for the professions and that the status of a profession is not a necessity for professional success.

The role of Andrew Wylie, particularly during the 1990s, is a significant example of a modern twist on professionalism. Wylie, clearly a very skilled negotiator, had extraordinary success in recruiting renowned writers as well as obtaining very lucrative publishing contracts for them. He was controversial within the agency business because of his alleged poaching of clients from other agents, which is against the rules of the AAA. He was also accused of originating the so-called chequebook publishing culture that started in the early 1990s. The British branch of his agency has never been a member of the AAA (unusual for a well-known firm) and therefore not constrained by their rules.[156] Despite Wylie's unorthodox modi operandi, he has had some of Britain's most famous authors among his clients and has been well-respected, although sometimes

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[156] Wylie's American office is not member of the American equivalent of the AAA called the Association of Authors' Representatives (AAR) either. The AAR was founded in 1991 through a merger of the Society of Authors' Representatives, established in 1928, and the Independent Literary Agents' Association, founded in 1977. The role of the AAR is very similar to that of the AAA. Interestingly their code of conduct, or what they call 'canon of ethics', does not include a no-poaching clause which might indicate that poaching is not as controversial in America as it is the in U.K. (<http://www.aar-online.org/canon.html> (accessed 1 September 2003)).

feared, by the publishing community. Although it is unthinkable that an agent with Wylie's business strategy would have survived a century ago, today's publishers are forced to do business with him, particularly because of the calibre of the authors he represents. However, there is little doubt that Wylie, in spite of his non-conformist behaviour, is considered a very effective agent.

Whereas the pre-modern debate centred on the conflict between business and the professions, the post-modern equivalent would be the compatibility of celebrity and professionalism. Can a celebrity enjoy professional respect or does celebrity erode the image of seriousness and competence? The answer depends on the kind of occupation or profession under consideration. Although there are, as of yet, few examples, it appears that celebrity status in the case of the literary agent does not necessarily negatively affect his or her professional status. The agent Ed Victor is relevant example. His frequent appearance in gossip columns seems, if anything, to have strengthened his position as an agent. First, his social connections have secured him many high profile clients. In addition, the publicity around his persona and famous clients has created the image of an agent who represents his clients effectively and who is expert at generating public attention. The seemingly unproblematic connection between celebrity and literary agency is supported by the fact that an important part of the agent's job consists of networking. Connections both within and outside the publishing world are essential in recruiting suppliers and buyers of manuscripts. As Curtis Brown's appropriately named memoirs *Contacts* remind us, it is no coincidence that many successful literary agents

have been well-connected people.[157] By contrast, in the case of the recognised professions, particularly medicine and the law, celebrity is more likely to be at odds with the image of professionalism to which they lay claim.

Having gained an overview of the history of the literary agency business, the next chapter returns to a more recent perspective. Searching for explanations for the growth of the business, it examines the role of the literary agent in the wider context of the publishing industry and describes how publishing changed during the last three decades of the 20th century and to what extent these changes affected agents. The chapter starts by surveying the spectacular growth of the literary agency business since its beginning more than a century ago.

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[157] Curtis Brown, *Contacts* (London: Cassell and Company, Ltd., 1935).

Chapter III – The Transformation of the British Publishing Industry - A New Era for Agents

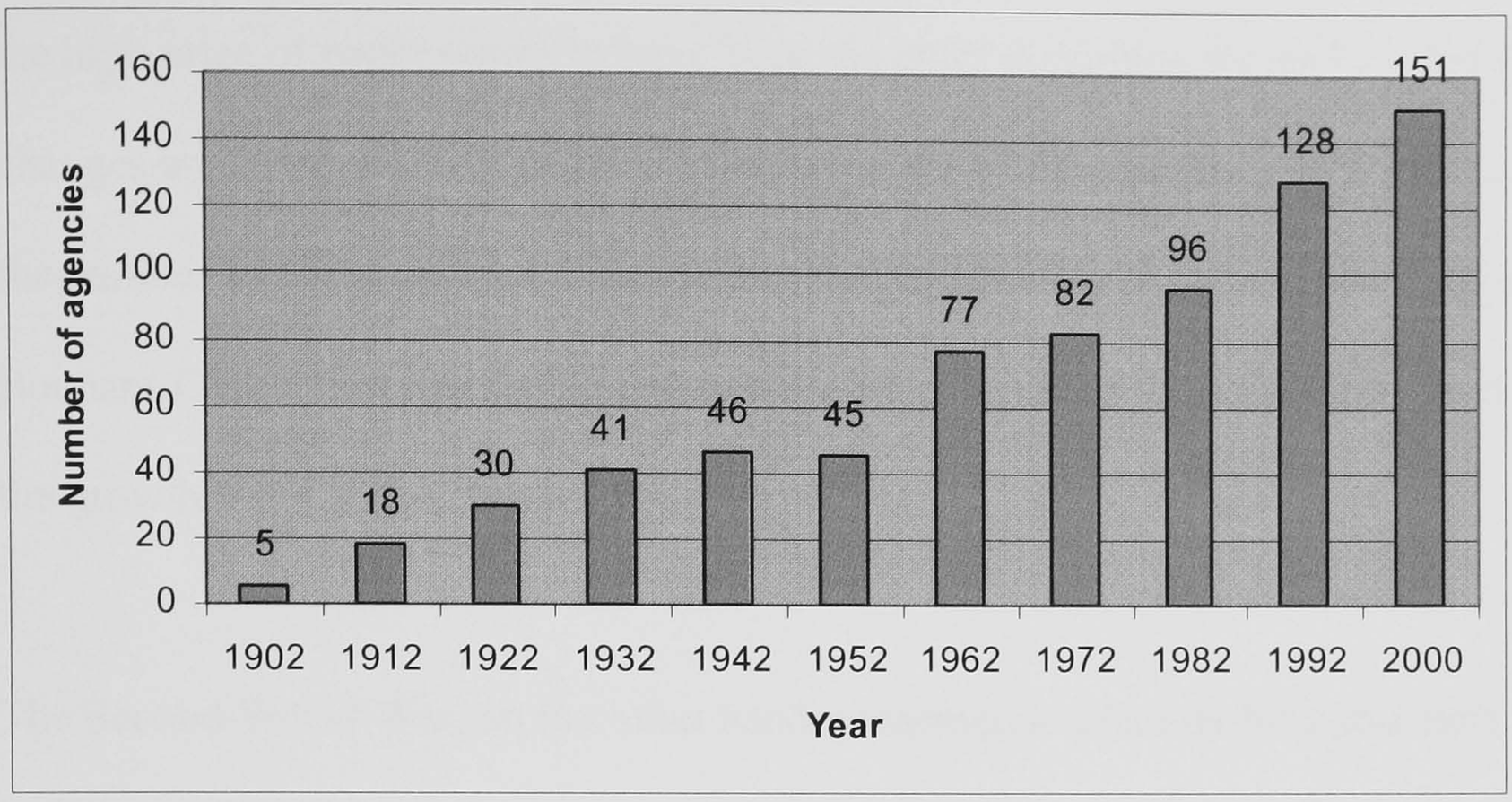
The growth of the agency business

It took some time before the publishing trade even acknowledged the existence of literary agents. The 1897 edition of the *Literary Year-Book*, a directory for the publishing trade, lists booksellers, authors, publishers, literary clubs and libraries, but not literary agents although several agents including A.P. Watt and J.B. Pinker were established and operating by then. The only – and not very flattering – reference to literary agents appears in a discussion of rates for magazine articles.

> …it is here that the Literary Agent justifies his existence in 'pushing' the wares of a modest author for all they are worth. The 'small fry' has scant reason to bless the arrival of this functionary on the crowded scene, as in exacting the maximum rates for his chosen few, he leaves but the minimum for the literary rank and file.[158]

[158] F.G. Aflalo, ed., *The Literary Year-Book 1897* (London: George Allen, 1897), p. 152. The first edition of *The Literary Year-Book* came out in 1897. Rather than a straightforward directory which later became the norm for these kind of books, the first edition of *The Literary Year-Book,* sought to cover every conceivable aspect of writing and publishing. Mixed in with details on 'Law and University Terms', portraits of authors and the traditional directories of publishers and booksellers to mention but a few items, were 'Useful Recipies for Book-Men' (including how to make type-writer ribbon ink, how to remove ink-spots from cloth and how to keep cockroaches at bay). In 1920, the publisher changed the book's name to *The Literary Who's Who* only to change it back again to its original title in 1921. The last edition came out in 1923. The following year, the publishers of *The Literary Year-Book* decided to split the information contained in the book into three separate publications: *What Editors and Publishers Want*, a directory detailing the requirements of editors and publishers in the English-speaking world including a directory of literary agents, *British Booksellers*, a directory of English language publishers and booksellers and *Who's Who in Literature,* an alphabetical directory of authors and literary agents.

Figure 1 - Number of Literary Agencies 1902-2000



Source: *The Writers' and Artists' Yearbook* 1902 to 2000

The 1902 edition of *The Writers' Yearbook* – renamed *The Writers' and Artists' Year-Book*[159] (WAY) in 1906 – lists five literary agents. The list does not include A.P. Watt, which indicates that it is incomplete. Despite fierce public criticism, several literary agencies were established during the first decades of the 20th century. Figure 1 shows that the number of agencies grew during this period from five in 1902 to eighteen in 1912. Likewise, the First World War seemed to have little impact on the business. The 1917 edition of *WAY* discusses the war and the publishing industry and concludes: 'On

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[159] *The Writer's Handbook* (WH) and *The Writers' and Artists' Yearbook* (WAY) contain the most comprehensive directories of literary agents, but not even these publications claim to have exhaustive lists. *The Writer's Handbook 2000* and *The Writers' and Artists' Yearbook 2000* listed, respectively, 151 and 152 literary agents in the U.K. A consolidation of the two lists yields 180 literary agents, which covers, if not all, the vast majority, of active U.K. agents (the one Irish literary agent listed by *The Writers' and Artists' Yearbook*, whose list covers the U.K. and Ireland, has been excluded for purposes of this thesis). Of those 180, 27 specialise in film, television, radio and/or theatre. The lists are based on questionnaires sent out by the editorial departments of the directories; one therefore has to assume that some of the information is not up-to-date and that those agents not on their mailing lists and those who failed to reply will not be included. Indeed, a comparison of the *WH 2000* and the *WAY 2000* did reveal some contradictions, such as different commission rates for the same agent or discrepancies in the description of the agency's focus. These are probably caused by inaccuracies in the information gathering process.

the whole there has been less change owing to the war than might have been expected; the high price of paper seems to have been the chief disturbing factor [...] but the changes are comparatively small.'[160] Between the wars the agency business prospered, the number of agencies grew from twenty-two in 1919 to fifty-six in 1940. According to Bonham-Carter, this was due to 'the expansion of the book and periodical markets and the growth of [...] film and broadcasting.'[161]

The Second World War, on the other hand, presented a dilemma for publishers and, indirectly, agents. Demand for books fell during the first two years of the war, but recovered and grew steadily after 1941.[162] But there were severe shortages of paper and publishers had no means of satisfying the public's appetite for books. According to *The Truth About Publishing,* approximately 14,900 titles[163] were published in 1939 whereas four years later, that number was down to 6,700 where it stayed until the end of the war.[164] Paper shortages were just one of many factors affecting the business. Publishers lost both staff and authors to the war effort and the armed forces. As part of the publishing industry, literary agents were affected too. While the number of agents stayed relatively stable during the First World War, fluctuating between twenty-two and twenty-five, the agency business contracted for the first time during the Second World War.[165]

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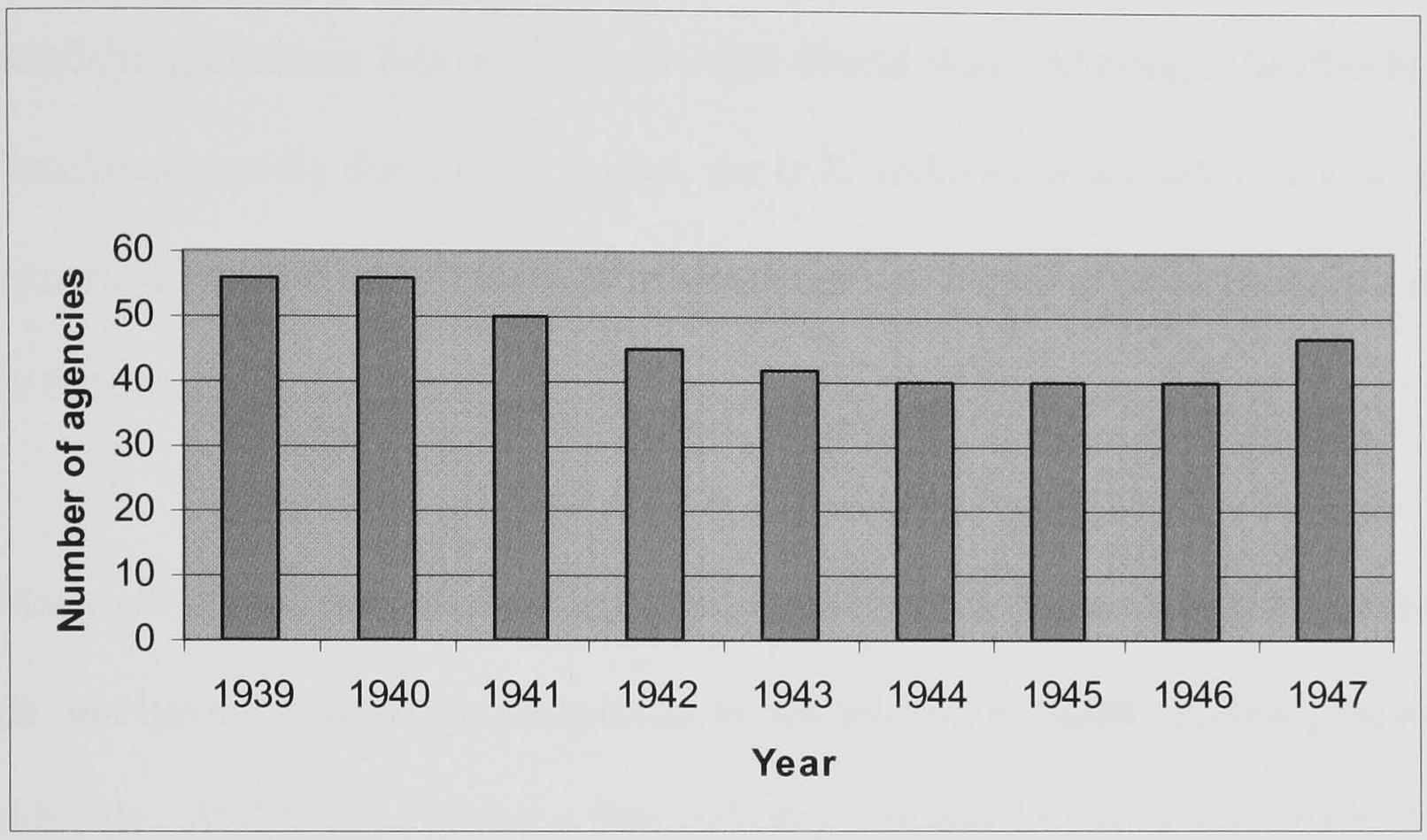
[160] Anonymous, *The Writers' and Artists' Year-Book 1917* (London: A. & C. Black, Ltd., [1917 ?]), p. v.
[161] Victor Bonham-Carter, *Authors by Profession: Volume Two* (London: The Bodley Head and the Society of Authors, 1984), p. 72.
[162] John Feather, *A History of British Publishing* (London and New York: Routledge 1988), p. 214.
[163] All statistics on the number of titles published in this thesis include reprints and new titles.
[164] Sir Stanley Unwin, *The Truth About Publishing,* 7th edn (London: George Allen & Unwin, Ltd, 1960), p. 338.
[165] Anonymous, *The Writers' and Artists' Year-Book* 1914, 1915, 1916, 1917 and 1918 (London: Adam and Charles Black).

As illustrated in figure 2, *WAY* listed fifty-six literary agents in 1939, by 1945 that number was down to forty.

Figure 2 - Number of Literary Agencies 1939-1947



Source: *The Writers' and Artists' Yearbook* 1939-1947. *Data for 1945 has proved impossible to obtain. For purposes of this graph, I will assume that the number of agents remained stable at around forty agencies.

The end of the Second World War brought with it a number of new opportunities for authors, particularly those writing screenplays, as well as their literary agents. BBC television reopened in 1946, having been closed in 1939, and the service rapidly gained viewers. Between 1947 and 1951 the number of television licences grew from 14,500 to over 760,000.[166] Similarly, the advent of commercial television in 1955 further expanded the demand for scriptwriters. 'The formation of the Independent Television Authority is likely to offer a considerable new market to writers' wrote the *WAY* in its 1955 edition.[167] Books such as Arthur Swinson's *Writing for Television* appeared the

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[166] Asa Briggs, *The History of Broadcasting in the United Kingdom, Volume VI – Sound and Vision* (Oxford: Oxford University Press, 1995), p. 221.
[167] *WAY 1955*, p. 11.

same year and it soon became clear what tremendous opportunities the new medium represented for writers.[168] As a result, during the late 1950s and early 1960s a sudden 70% rise in the number of new agencies occurs. This increase can mainly be attributed to the growth in demand for scripts for television combined with the restoration of the publishing business following the Second World War. Although the film business developed rapidly during this period, the U.K. industry was modest in size relative to the American and did not on its own generate enough business to cause such a major increase in the demand for agent services.

Many publishers got involved in selling their authors' translation rights, but most of them did not have the capacity or expertise to sell television rights. Instead, the agent fulfilled this role. At the same time the film industry continued to grow with Hollywood as its centre, consequently, American agents did most of the major film deals. The film studios typically employed their own scriptwriters who either wrote original screenplays or dramatised novels. The 1950s and 1960s saw the establishment of a number of agencies specialising in film and television while some of the larger literary agencies started their own film and television departments. Television generated by far the largest proportion of their business, and this is apparently still the case. Film deals were often far and few between, but the occasional success story could be very financially rewarding. The first large agency to get involved with film rights was Curtis Brown; the agency already represented playwrights and film was a logical extension of their connection with theatre. Then there were agencies such as the Myron-Selznick agency, which represented artists. Some American agencies were also present in London, such as the MCA, owned by

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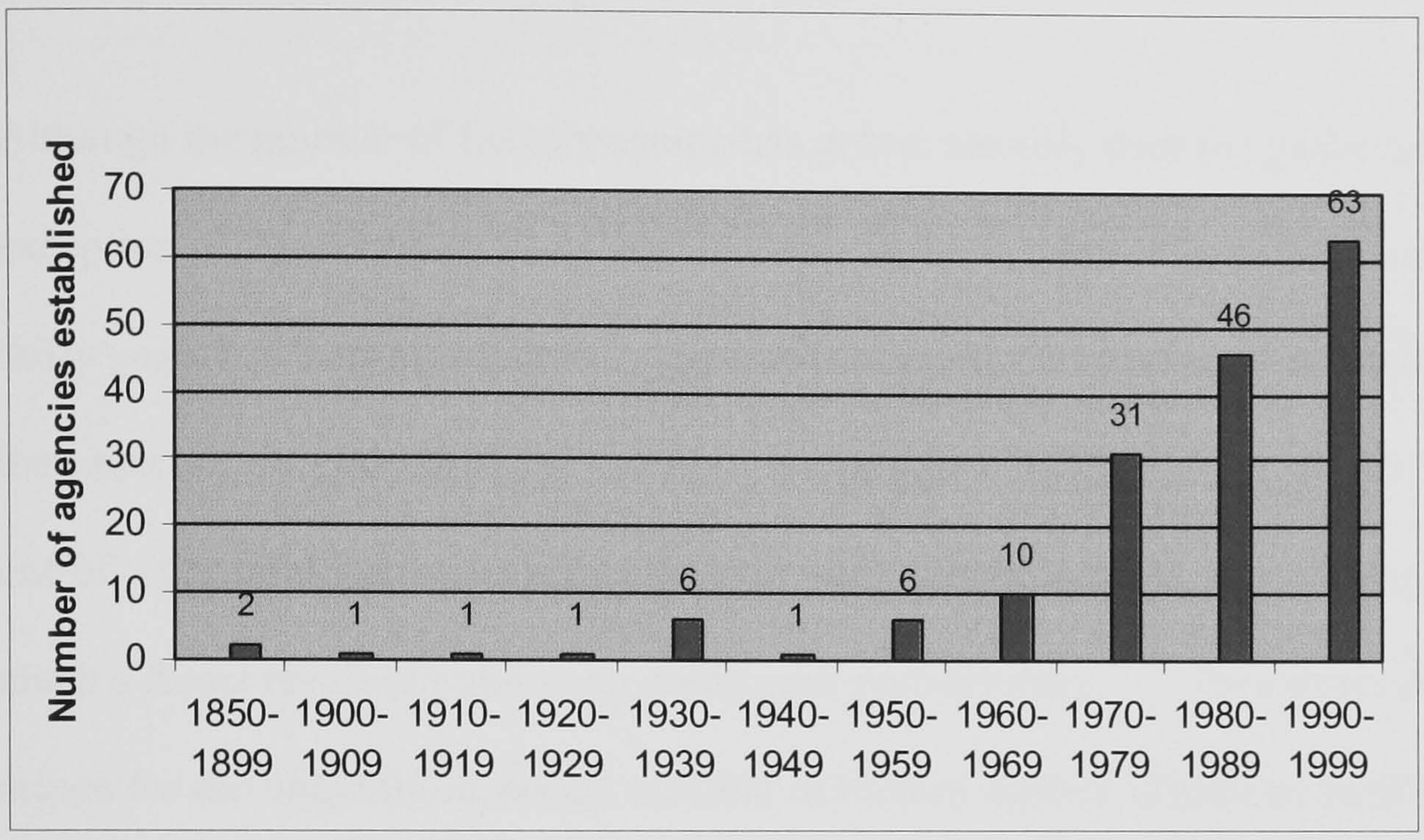
[168] Arthur Swinson, *Writing for Television* (London: Adam and Charles Black, 1955)

Universal Pictures, which was both a Hollywood talent agency as well a film and television rights agency.[169]

Figure 3 - Literary Agencies by Year of Establishment



Source: *The Writers' and Artists' Yearbook 2000* and *The Writer's Handbook 2000.*
Note: In addition to the 168 agencies included in this graph, a further twelve agencies are listed without year of establishment.

From the early 1980s to the beginning of the new century there was another significant increase of almost 60% in the number of literary agencies. Figure 3 illustrates an alternative way of looking at the growth of the business. The graph shows the year of establishment for agencies listed in the *WAY 2000* and the *WH 2000*. Of the 180 agencies included in the directories, 168 are listed with year of establishment. Of those 168, 140 or 83% have been established since 1970. One hundred and nine or 65% have been established since 1980 and 63 or 38% have been started since 1990. These statistics show a remarkable growth in the agency business over the last three decades. One factor to keep in mind when looking at these statistics is the natural life cycle of an agency. A high proportion of agencies are one-person operations, which tend to close down upon

[169] Interview 24 January 2002.

the retirement of the founder and thus typically have a life span between twenty and forty years. At any point in time, the majority of literary agents will therefore have a relatively recent establishment date.

Although the number of literary agents has grown steadily over the past century (with the exception of the period 1940-45) the increase in the number of agencies over the past thirty years has been spectacular. Agents themselves are unanimous in their views as to the causes of the growth of the business; as the agent Gillon Aitken puts it: 'The trend of out-of-work publishers coming over to this side started, I think, in New York. It is very much a direct result of publishing companies restructuring.'[170] Previously considered a refuge for the unqualified, today, a career in literary agency is seen as an attractive alternative to a career in a publishing company, as George Greenfield explains.

> In the last quarter of a century, many independent publishers have been swallowed up inside conglomerates. In the same period, according to *The Writers' and Artists' Year-book,* the number of independent agencies has almost doubled [...] Why? One answer is that, to be an independent publisher, you must have a solid backlist, a patient bank manager and the stamina to keep running up a descending escalator. To be an agent, all you need is a desk, a chair, a telephone, a fax machine – and some useful contacts.[171]

Not only has the number of literary agents increased dramatically, so has authors' interest in and awareness of agents. One way of gauging this is by looking at the number of

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[170] Christopher Gasson, 'End of an era for agents?', *The Bookseller,* 21 November 1997, p. 21.
[171] George Greenfield, 'Grunts and Heaves', *The Author,* Summer 1991, p. 48.

articles written about and by agents in publications such as *The Author*.[172] In the fifteen years between 1972 and 1986, no more than five such articles appeared in the magazine. In the late 1980s, interest in agents flared up, over the next ten years thirty-four articles written by or about agents were published in *The Author*. The magazine even ran a series of profiles on some of the most prominent agents in the market place. It seems that the need for information about the role of the agent as well as agent's advice on a wider range of topics become very relevant to authors during this time. Since 1997, the number of agent articles has decreased although there is generally at least one such article in every issue of the magazine.

To gain a greater understanding of the relationship between the growth of the agency business and the restructuring of the publishing industry, it is necessary to understand exactly what the conglomeratisation process consisted of and how it affected publishers.

The restructuring of British publishing

Fewer and larger publishers

In Britain, conglomeratisation started on a large scale in the early 1980s as large media companies identified publishing as a natural extension of their 'information' orientated businesses. Although some acquisitions had taken place in the 1960s and 1970s, such as the sale of André Deutsch to Time Life (later bought back by Deutsch) and Pearson's purchase of Penguin, the first significant acquisition happened, according to the publisher Robin Baird-Smith, in the early 1970s when the American publishing conglomerate

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[172] *The Author* from 1972-2001, various pages.

Crowell, Collier and Macmillan '…gobbled up at a stroke five lively independent publishing houses. Publishing appeared to be a "sexy" business to invest in, and there were willing sellers.'[173]

The 1980s are said to have marked an acceleration of the process. Many investors considered publishing companies ideal acquisition objects; they were often inefficient and undercapitalised. Quite a few of them were in serious financial difficulties. As more and more independent publishers were absorbed into media conglomerates, it became increasingly hard to survive as a small independent organisation, which in time led to more acquisitions. Capital injections enabled newly acquired publishers to outbid small independent publishers in the competition for valuable manuscripts. Many small independent British publishers faced two options: selling or going bankrupt. Practically all the long-established traditional British publishing companies were amalgamated into large conglomerates; Hamish Hamilton was bought by Pearsons in 1985, Reed International acquired Heinemann in 1987 the same year in which Random House acquired Jonathan Cape, Bodley Head and Chatto & Windus.[174] The conglomeratisation process continued into the 1990s with Bertelsmann's acquisition of Random House in 1998. The American publisher André Schiffrin estimates that whereas London had around two hundred significant publishers in the 1950s, by 2000, that number was down

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[173] Robin Baird-Smith, 'A lament for publishing', *Independent on Sunday,* 26 September 1999, p. 9.
[174] Decca Aitkenhead, 'Farewell the gentleman publisher: now read on', *Independent on Sunday,* 16 April 1995, p. 5.

to fewer than thirty.[175] Robin Baird-Smith explains that although there were some independent houses left, most of them were aiming to be bought.

> By the late 1980s and early 1990s, publishing appeared to divide more or less in two categories: the big corporations, and the small group of truly independent publishing houses who managed to keep the big battalions at bay. These were of two kinds. First there were the old established houses, like John Murray and Constable which were often owned by individuals and family trusts and who were content to make modest profits. And then there were the new crop of lively independents like Fourth Estate and Serpent's Tail [...] Most of these were extremely interested in an 'exit'.

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[175] André Schiffrin, *The Business of Books: How International Conglomerates Took Over Publishing and Changed the Way We Read* (London and New York: Verso, 2000), p. 109. André Schiffrin was the head of Pantheon, a small intellectual publisher, owned by Random House until 1990 when he was made redundant. Later that year, he founded a non-profit left-wing publisher called the New Press. Throughout his career, Schiffrin has worked with a number of prominent authors. *The Business of Books* raised controversy when it was published in 2000. Many industry commentators felt his critical attitude to conglomerate publishers were sour grapes after having been made redundant by Random House. It is clear that Schiffrin has an 'old-school' publisher's attitude to the changes in the publishing industry and that his views are somewhat romantic, even unrealistic, in light of the current publishing climate. He also has a clear left-wing political agenda, which includes a deep-rooted scepticism towards the idea that publishing should be profitable. A fellow American publisher, Jason Epstein, came out with a book about the publishing industry around the same time as Schiffrin, *The Book Business: Past, Present and Future* (New York: W.W. Norton & Company, 2001). Epstein started as a publisher with Doubleday in the late 1950s where he set up the paperback series Anchor Books. He later moved to Random House where he has had a long and distinguished career representing a number of prominent authors. Although Epstein agrees with many of Schiffrin's points, he has a somewhat more positive view of the past and certainly a more optimistic perspective on the future. Both publishers have been in publishing long in enough to have experienced the business before and after conglomeratisation. This gives them a good vantage point from where to analyse the industry, but it also leaves them at a risk of becoming overly sentimental about pre-conglomeratised publishing. Although Epstein and Schffrin's books are mainly about the American publishing industry, they still hold relevance for British publishing. Following the conglomeratisation process, publishing houses, in particular conglomerate publishers, have become truly international companies. As a result, the strategy and corporate culture of the conglomerate publishers transcend borders and continents and is no longer country specific. There are few recent books about British publishing during the 1980s and early 1990s. I have therefore used Epstein and Schiffrin's books as some of the main sources for my description and analysis of the industry during this period (Scott Stossel, 'Bibliosophy', *The American Prospect,* 29 January 2001 <http://www.prospect.org/print /V12/2 /stossel-s.html> (accessed 23 September 2003)).

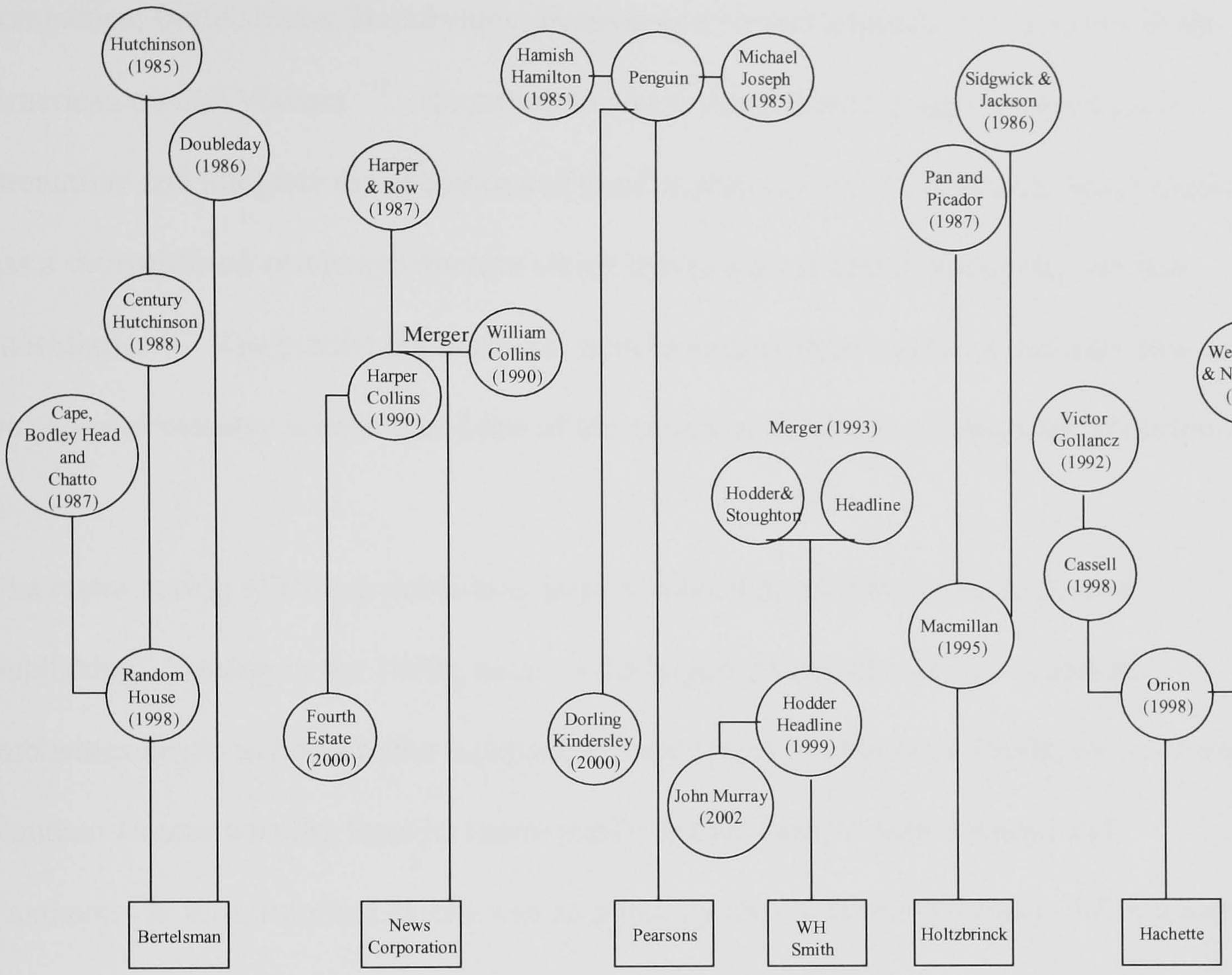
They had in view an eventual sale or flotation as a public company.

The publishing house of Bloomsbury would be a recent example.[176]

The process of amalgamation continued with W H Smith buying Hodder-Headline in 1999 and HarperCollins acquiring Fourth Estate – which many people consider one of the success stories of independent publishing – in 2000. In May 2002, Hodder-Headline bought John Murray, the oldest independent publisher in Britain. The mergers and acquisitions are illustrated in figure 4 which shows changes in ownership since 1985. In seventeen years, twenty-four different publishers have been amalgamated into six publishing groups.

[176] Bard-Smith, p. 9.

Figure 4 - Mergers in the U.K. Publishing Industry 1985-2002



Source: the *Independent on Sunday*, Companies and *The Bookseller*

As we can see from figure 4, a large part of British publishing is controlled by five groups; Bertelsmann, Holtzbrinck, News Corporation, Pearson, W H Smith and Hachette.[177] Of these five, only two are based in the U.K.: Pearson and W H Smith. Bertelsmann and Holtzbrinck are German, News Corporation is Australian while

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[177] In spite of the wave of consolidation that has swept through the U.K. publishing industry, publishing can still be considered a relatively fragmented business. *The Bookseller's Pocket Yearbook 2002* shows the market share (by value) of the top five consolidated groups in the General Retail Market in 2000 (which includes sales through traditional outlets such as bookselling chains and independent bookshops but does not include Internet retailers which represent and increasingly significant part of the market): Bertelsman (Transworld and Random House) 14.6%, Pearson (Penguin, DK, Pearson Education) 13.6%, News Corp 9.8%, W H Smith 6.7%, Holtzbrinck 4.6% and Others 50.7%. (*The Bookseller's Pocket Yearbook 2002,* p. 25.)

Hachette is French controlled. American publishing is controlled by four of the same companies; Bertelsmann, Holtzbrinck, Pearson and News Corporation in addition to the American owned Viacom.[178] The extent to which the different groups have sought to streamline and integrate the operations of their imprints varies; Holtzbrinck, for example, has a decentralised company structure which leaves a great deal of autonomy for their subsidiaries.[179] The publishing business' transformation from a national industry to a truly global industry is considered one of the most visible effects of conglomeratisation.

The restructuring of British publishing largely echoed developments in American publishing. Starting in the 1960s, some of the larger, financially strong, American publishers began to buy smaller independent companies. In the early 1960s, for instance, Random House, wealthy from its recent public listing, bought Alfred Knopf and Pantheon. In turn, Random House was acquired by the electronics company RCA which later sold the publishing house to media investor S.I. Newhouse. Simon & Schuster, another important American publisher, was bought by the media conglomerate Viacom, owners of among other things Paramount Pictures.[180]

There are still a handful of small and medium-sized independent publishers in the U.K. which, although limited by their size, nevertheless constitute an important part of the industry. These include Faber & Faber, Granta and the rapidly expanding Bloomsbury Publishing. Of these, Granta and Faber & Faber most closely resemble the old traditional

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[178] Jason Epstein, 'The watch in the desert', *The Bookseller,* 28 July 2000, p. 24.
[179] <http://www.holtzbrinck.com/eng/verlag/verlag.html#org> (accessed 28 September 2003).
[180] Schiffrin, pp. 26, 70, 77 and 113.

independent publishers; they are privately owned and have retained their small publisher's philosophy. Bloomsbury is a special case, firstly it is substantially larger than Faber & Faber and Granta and, secondly, although it is not part of a publishing conglomerate it is not strictly independent either; it is listed on the London Stock Exchange and has to answer to public shareholders. Bloomsbury, founded in 1986, is often hailed as a perfect example of a successful independent publisher, which, in spite of its mainly literary focus and small size, relative to the conglomerates, has been able to achieve very good profitability.[181]

Publishing and economies of scale

The ambitions of the new publishing company owners were to realise economies of scale. Up until then, the fragmented nature of the business meant that few, if any, publishers were able to benefit from large scale operations. The new owners believed there were ample opportunities for synergies in areas such as distribution, sales and marketing, purchasing of raw materials and printing. They also predicted synergies between publishers in different countries. The idea was that publishers that were part of international groups would publish titles simultaneously in multiple countries and that substantial savings would be achieved by using common marketing campaigns, printing styles and jacket designs.

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[181] Bloomsbury's turnover and profits have multiplied over the last few years. In 1999, the company generated sales of £15.2 million while in 2002 that number had increased to £68 million. Over the same period, profits grew from £1.6 million to £11.1 million. A significant part of this increase can be attributed to the phenomenal success of the *Harry Potter* books (<http://www.bloomsbury-ir.co.uk/html/financial/f_fiveyear.html> (accessed 16 October 2003)).

People within the publishing business disagree to what extent these synergies have been realised. André Deutsch was one of the first to experiment with the concept, Diana Athill, previously editor with Deutsch, explains in her memoirs *STET*:

> In the nineteen-seventies we went through an odd, and eventually comic, experience: to the outward eye we were taken over by Time/Life. 'Synergy' had suddenly become very much the thing among giant corporations, and on one of his New York trips André [Deutsch] has allowed himself to be persuaded that we would benefit greatly if he sold a considerable chunk of shares in André Deutsch Limited to that company. [...] The chief – indeed, the only – argument in favour of doing so was that already the advances being paid for important books were beginning to skyrocket beyond our reach, and with Time/Life as our partners we could keep up with that trend.[182]

The partnership ended after two years, when Deutsch bought Time/Life's shares back. Realising synergies in the publishing business turned out to be a great deal more difficult than expected, particularly when it was dependent on co-operation between a traditional British publisher such as André Deutsch and a large American media company.

Peter Curwen, author of *The U.K. Publishing Industry,* was also sceptical to the possibility of synergies within the publishing industry. In his 1981 survey of the industry, he argued that each book published requires the same amount of management time, regardless of the size of the company producing it. As far as printing was concerned, larger players were more likely to get volume discount, although smaller

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[182] Diana Athill, *STET* (London: Granta Books, 2000), p. 108.

players had the benefit of small print runs, which could be slotted in to utilise printers' spare capacity, thereby obtaining lower prices.[183] Carole Blake had similar reservations about synergies in the publishing industry, particularly on an international level. Reader preferences vary a great deal from one country to another, as do book formats and even jacket designs.

> People do not necessarily want to buy the same book, at the same time, around the world. And following that thought through, the editorial directors and publishers who run the publishing imprints in different countries (even though for the same owner), cannot always be persuaded to like the same books at the same time, whatever the wish of the corporation.[184]

Publishers working for conglomerates offer a different view. Particularly on the marketing and publicity side, they argue that the conglomerates have been able to realise economies of scale.[185] A large number of titles enable the publishing groups to employ sizeable marketing and publicity departments capable of staging effective campaigns, something which is considered an absolute necessity in contemporary publishing. Random House, for example, is organised in a number of small editorially independent imprints which are all supported by a large service department in charge of human resources, technology, marketing and publicity. Ian Hudson, group managing director at Random House believes it is possible to be large and small at the same time.

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[183] Peter J. Curwen, *The U.K. Publishing Industry* (Oxford: Pergamon Press, 1981), p. 17.
[184] Carole Blake, *From Pitch to Publication: Everything You Need to Know to Get Your Novel Published* (London: Macmillan, 1999), p. 106.
[185] Interview 22 September 2000.

> We've always believed that we needed to be very large when that mattered, and very small when that mattered. We need to be big in finance, HR, IT, distribution, the infrastructure side of the business; we need to be big when we're dealing with suppliers, and, at times, when we're dealing with customers. But when it comes to working with creative talent, it's very important that people are empowered, that they have their own lists and create the personalities for those lists, and that they aren't risk-averse. We wanted them to have the same opportunities that a small, independent house would have. The separateness of our imprints is extremely important to our success.[186]

All the large publishers have adopted this structure and with good reason *The Bookseller* argues: 'While enjoying economies of scale and marketing clout, big publishers have recognised that the best aspects of the pre-conglomerate era – the committed publishing that small firms with distinctive identities can provide – need to be preserved.'[187] Although a direct financial comparison between independent and conglomerate publishers is difficult given the limited financial disclosure, judging by the number of independents that have gone bankrupt the last few years it seems as though the conglomerates have succeeded in creating a competitive advantage over independent publishers. Fourth Estate, for example, cut operating costs by 25% once it became part of HarperCollins. According to Victoria Barnsley, Fourth Estate's previous CEO: 'Publishing really lends itself to economies of scale. The ability to buy things in bulk, paper for example, is enormous.'[188]

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[186] Nicholas Clee, 'Fast tracker', *The Bookseller*, 9 March 2001, p. 25.
[187] Anonymous, 'HarperCollins and the joys of restructuring', *The Bookseller,* 3 August 2001, p. 24.
[188] Liz Bury, 'Corporate gap grows wider', *The Bookseller,* 22/29 December 2000, p. 5.

The capacity to stage high-profile marketing campaigns in and out of bookshops is perhaps the most visible advantage of large-scale operations. Another increasingly important marketing tool is the 'three-for-two' book offers whereby bookstores sell three books for the price of two. In these types of promotions, usually agreed with the larger publishing houses, books by best-selling and mid-list literary authors form a selection from which customers can choose. In addition, there are other advantages on the purchasing and printing side that makes it harder for small publishers to compete with the conglomerates. Although, it appears that some of the scepticism against the potential for synergies – particularly cross-border synergies – was warranted, today's publishing landscape, with fewer and fewer small publishers, is considered by many industry people proof that there are benefits to be had from large-scale operations.

A new focus on profitability

The new publishing company owners had high expectations of profitability. Their aim was to realise synergies and cut costs, and they took a different approach to the commercial viability of their products. Each title was said to be judged by its capacity to be profitable. New rules of accounting, treating each book as a profit centre were instituted. However, their critics felt that this new approach hampered the ability to cross-subsidise new talent or experimental writing. Alex Clark reported on the dilemma in his *Guardian* article 'Inside Story: Too big for their books':

> Meanwhile, in the publishing houses, editorial staff face cut-backs, and methods of assessing their profitability seems starkly at odds with the

business of nurturing talent. In this brave new world, each author becomes a profit centre in his or her own right, rather than part of an overall list. Consequently there is less leeway to subsidise authors as they start out on their career and greater emphasis is put on each book paying its own way.[189]

Not all publishing houses operate along these lines. There are still publishers who knowingly publish books with limited commercial potential, be it poetry, fiction or highly specialised non-fiction books, but the pressure to publish commercially viable works has increased in the wake of the restructuring of the publishing industry. In the days when publishers were privately owned, often by the managing director himself, the decision-makers and the shareholders were often the same. It was possible and not unheard of to make publishing decisions which were of high literary value but had limited financial potential. John Hampden's *The Book World Today* published in 1957 illustrated the point:

> Authors write because they have the creative urge to do so. Publishers publish because they wish in the real sense of the term to serve literature. Booksellers carry stocks of what they regards as good books irrespective of the local demand for them because they, too, wish to serve literature. [...] In no trade is the idealistic element so strong: in no trade is motive frequently so uncommercial.[190]

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[189] Alex Clark 'Inside Story: Too big for their books', the *Guardian,* 7 October 1998, p. 8 [on CD-rom].
[190] F.D. Sanders, 'The Structure of the Book Trade' in *The Book World Today* ed. by John Hampden (London: George Allen & Unwin Ltd., 1957), pp. 38-50 (p. 41).

Diana Athill expressed a similar view: 'Poetry may not have lost us money [...], but it certainly didn't make us any, and none of us minded: an attitude which – fifty – forty – thirty years ago was not worthy of remark, and now has become almost unimaginable.'[191] This attitude is hard to find in contemporary publishing. Today, most publishers feel that they are under pressure from public shareholders to maximise profitability, which limits the room for non-commercial publishing decisions.

As part of conglomerates, publishing houses were compared to their sister companies and the new owners had a tendency to expect the same profitability from their publishing subsidiaries as from their other entertainment related holdings. This would inevitably lead to disappointment, argues Schiffrin.

> As one publishing house after another has been taken over by conglomerates, the owners insist that their new book arm bring in the kind of revenue their newspapers, cable television networks, and films do – businesses that have always enjoyed far higher profit margins.[192]

Publishing, Schiffrin maintains, will never be as profitable as these businesses, and should not be judged by the same standards. The publisher Jason Epstein, agrees. The book business has been forced to abide by the rules of conventional business, but Epstein argues this is a mistake since '...book publishing is not a conventional business [...] for investors looking for conventional returns it has been disappointing.'[193]

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[191] Diana Athill, *STET* (London: Granta Books, 2000), p. 69.
[192] Schiffrin, pp. 118-119.
[193] Jason Epstein, 'The Rattle of Pebbles', the *New York Review of Books,* 27 April 2000, p. 55.

In fact, disappointment appears to be what many large investors in publishing have felt, prompting some of them to exit or try to exit the business. Epstein, predicts that the large media companies will eventually sell their unprofitable publishing subsidiaries, citing examples of U.S. media companies such as RCA, MCA and Advance Publications. 'They should have noticed that the previous owners were all too happy to sell' notes Epstein. The only exception, according to Epstein, is the truly publishing oriented companies such as Bertelsmann[194] and Holtzbrinck.[195] As of yet, Epstein's prediction has not materialised. In fact, rather than selling, media groups such as News Corporation have been buying publishers, most recently Fourth Estate.

For publishing company employees, the focus on profitability seems to have been unsettling not only from a practical, but also from an emotional standpoint. A love for books, not profits, was generally the motivation for most editors working in publishing. But as editors were no longer as powerful as they once had been, they had little influence over these decisions. In *Publishing Now* from 1996, the publisher Richard Cohen

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[194] Bertelsmann, founded in 1935, is a German non-public media company and one of the largest media companies in Europe. The company has seven divisions which include radio and television channels, book publishing, magazine and newspaper publishing, music production, media services and book and music clubs. Although Bertelsmann remain committed to publishing, the book division is far from the most profitable part of the company. In the financial year 1999/2000, the book publishing division contributed 25% of revenues financial year, but only 2% of operating income (revenues minus operating expenses), while the equivalent numbers for 1998/99 were 30% and 10% (<http://www.bertelsmann.com/index.cfm> (accessed 15 September 2003); *Bertelsmann Annual Report 1999/00*, pp. 12 and 15).

[195] Holtzbrinck, a German family owned publishing house, was founded in 1948 and is today one of the largest media companies in Germany. In the mid-1980s, the company started to expand overseas, particularly in the U.K. and the U.S. A decade later, the company bought the British publishing company Macmillan. Holtzbrinck has five divisions: Fiction and Non-Fiction (which include prominent publishers such as Picador, Farrar, Staus & Giroux and Henry Holt), Education and Science, Business Information, German National Newspapers and German Regional Newspapers, all of which are publishing related (<http://www.holtzbrinck.com/eng/verlag/verlag.html>; <http://www.holtzbrinck.com/eng/geschaeft/gesch.html> (accessed 15 September 2003); Gayle Feldman, 'Getting back to our roots', *The Bookseller,* 26 January, 2001, p. 14).

illustrated how troubling the conglomeratisation process was for people in the industry.[196]

> Above all, it is the pressure of chasing profits – whether as a private company or a publicly quoted one – that is oppressive. No matter that huge advances are spent on acquiring barely literate blockbusters, or that thousands of pounds disappear on sales conferences at luxury hotels: each book has to be profitable, at least as a paper exercise.[197]

The sentiment in the mid-1990s was fiercely anti-conglomerate and pessimistic, exacerbated by a long-running recession which had severely hurt book sales. According to a majority of the contributors to Peter Owen's *Publishing Now,* most conglomerates should have been bankrupt or broken up into small independent publishers by now. Likewise, Epstein and Schiffrin's accounts of the restructuring of the publishing industry are coloured by their pre-conglomerate perspective on the business. The publisher Ian Paten, one of the few who were cautiously optimistic, described the situation as follows:

> …can literary publishing flourish within a conglomerate? I believe that it can (and, indeed, occasionally does), given certain operating conditions. The principal impediment of the corporate organization, as with the dinosaur, is its size. […] An ideal scenario would combine corporate muscle with an element of 'small is beautiful' – imprints managed by teams responsible for that list's output alone, a concept of dedication that almost certainly leads

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[196] Peter Owen, ed., *Publishing Now,* rev. edn, (London: Peter Owen, 1996). Contributors include amongst others Victoria Barnsley, Tim Waterstone, Giles Gordon, and Peter Straus. *Publishing Now* is one of very few relatively recent books on the British publishing industry. Published in 1996 at the tail-end of a long and devastating recession, the contributors paint a very gloomy and pessimistic view of the industry and, in particular, the conglomeratisation process.

[197] Richard Cohen, 'Conglomerates versus Small Independents' in *Publishing Now,* rev. edn, by Peter Owen (London: Peter Owen Publishers, 1996), pp. 41-47 (p. 44).

to a greater degree of motivation and *esprit de corps* than undiluted corporatism; teams in which the editor [...] has a reasonable degree of autonomous financial and aesthetic control.[198]

Indeed, what Paten described is the structure of many of the large publishers today. As we have seen, this is the way in which Random House, for example, is organised. Like many other industries, publishing has gone through a process of transformation, or, what some people would describe as a process of 'modernisation'. 'New' publishing is made by and for a different generation of publishers whose focus and perspective is very different from that of Epstein and Schiffrin's generation. Despite the many pessimistic predictions, conglomerate publishing has survived and is – many people would argue – thriving. Indeed, more and more industry observers are now of the opinion that the conglomeratisation process has not been as detrimental to the business as some had predicted. *The Bookseller* argues that there is little proof that the conglomerates represent a threat to diversity.

> There is little sign that Jonathan Cape is a less innovative and creative imprint than once it was. [...] There are many worthy titles that the conglomerates cannot handle. But it is not the case that works of outstanding merit are less likely to get into print now...[199]

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[198] Ian Paten, 'Literary Publishing Within a Conglomerate' in *Publishing Now,* pp. 21-26 (p. 25).
[199] Anonymous, 'Are the conglomerates bad at publishing?', *The Bookseller,* 7 May 1999, p. 24.

Christopher Gasson of *The Author* is of the same opinion is his article 'A Golden Age?':

> …the big houses are achieving [financial] success while still producing the cultural benefits critics said would be lost as the big corporations took over the industry […] After a period in which the emphasis was on poaching established authors from other houses, the big publishing houses are investing in new writers on a scale never seen before in the industry. Concerns about dumbing down have also proved unfounded.[200]

The literary agent in a new publishing climate

The amalgamation of small independent publishers into large publishing conglomerates totally transformed British publishing, but how did this process affect the job of the literary agent? As the publishing industry consolidated and market concentration increased, one might have expected that the need for agents would diminish. After all, with fewer publishers there are fewer companies to bid against each other and, in theory, less competition for each manuscript. On the other hand, perhaps this is exactly the time in which the author needs help negotiating; while facing large and very powerful publishing companies? The transition from small homely publishers where authors had easy access to senior management, or indeed where the editor *was* the senior management, to large bureaucratic organisations, where senior management was unreachable, and where the editor, the author's only contact, was only one of many decision makers, must have been traumatic for many authors. It looks as though agents capitalised on this fear. It is said to have been in their interest to portray conglomerate

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[200] Christopher Gasson, 'A golden age?', *The Author,* Spring 2000, p. 13.

publishers as inaccessible and themselves as facilitators. The agent Georgina Capel's comments about conglomerate publishers reflected this: 'Authors need agents more and more as publishers get bigger and bigger and behave in a more dictatorial fashion.'[201] An increasing number of authors chose to be represented and a powerlessness vis-à-vis the publisher was often cited as the reason. Indeed, according to Michael Legat's 1998 survey of agents, authors regarded negotiation skills and dealing with contracts as by far the most helpful aspect of the agent's role.[202] One could also argue that it was in publishers' interest to project a slightly less accessible image. With an increased focus on profits and what many people have described as a de-prioritisation of editing, publishers benefited from agents doing the groundwork, such as reading slush piles and editing. Indeed, as mentioned in the previous chapter, it is not uncommon for publishers to encourage writers to seek out the advice of an agent before approaching them.

If large-scale operations were advantageous for publishers how did they affect agents? The improved marketing and publicity capabilities of the publishing houses appear to have served as a double-edged sword for authors and agents. On the one hand, best-selling authors and their agents benefited from additional sales generated by large, high profile campaigns. In general, agents praise the conglomerates' professional approach to publicity and marketing, a significant enhancement on the old independent publishers' modest, even random efforts. On the other hand, because of the attention surrounding best-selling authors, mid-list authors and their agents found it harder to attract consumers' interest. Over the last decade, books seem to have developed along a two-tier

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[201] Christopher Gasson, 'End of an era for agents?', *The Bookseller,* 21 November 1997, p. 22.
[202] Michael Legat, 'The Survey of Authors' Agents', *The Author,* Winter 1998, p. 146.

system, whereby a few likely best-selling books are being heavily marketed while the rest are left with small, sometimes non-existent, marketing budgets. For the latter group, the only way of capture the attention of readers is through reviews, the Internet or by word of mouth, all of which only rarely generate best-sellers.

The conglomerate publishers' focus on profitability appears to have had unexpected benefits for agents. To implement their new profit-oriented strategies, publishers chose to hire personnel with commercial rather than literary backgrounds. The new staff was usually of a younger generation and less influenced by the historic hostilities between agents and publishers. In addition, because of their backgrounds, they were more likely to relate to the agent's commercial perspective. This represented a subtle although significant shift in attitudes, which helped remove the last remaining resistance towards agents in the industry. The historical opposition between art and commerce, the professions and the trade, and the editor and the agent slowly faded as the manufacturing of books was perceived, by an increasing number of industry people, to be just like the manufacturing of any other product.

What have been the results of the restructuring?

Where have all the editors gone?

Whereas independent publishers were typically led by people with editorial backgrounds, conglomerates were run by people with business backgrounds, thus the role of the editor became less significant as the balance of power shifted from the editorial department to the sales and marketing departments. The publishers interviewed for this thesis

highlighted this as the most significant change taking place as a result of the conglomeratisation process. As one conglomerate publisher remarked: 'The big change is that editors have lost all their status. I do not agree with the popular notion that there are no editors left, there are lots of editors around, but they are not as visible anymore […] Editors are no longer valued by anybody except the author.'[203] The change in focus from editing to sales and marketing was perhaps not surprising. The very reason commercially minded people saw opportunities in publishing was because of the weak financial position of many independent publishers which, they believed, sprang from lack of commercial focus and lax financial controls.

Consequently, a significant number of editors were made redundant, and those who remained, reportedly found their jobs drastically changed. The editing process is said to have been de-emphasised and the editor's skills were no longer considered as central to the publishing process as before. As a result, many editors felt disillusioned, believed that their skills could be better used elsewhere and decided to leave, often to join or set up their own literary agency. Those made redundant had no choice but to re-deploy their skills, and for some agenting was the most attractive option.

In her book *From Pitch to Publication* Carole Blake argued that 'They [editors] are disappearing because whenever publishers try to save on costs, it always seems to be the editors who are "let go" first, perhaps because their work is invisible when it is done

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[203] Interview 22 September 2000.

well.'[204] The editor's role, previously concerned with the artistic aspects of a work, was redefined to focus on its economic viability. The shift was unpopular with both authors and editors. It left editors with less time for editorial work and individual attention to their authors, the part of their job many of them found the most interesting. As Christopher Gasson wrote in his article 'End of an era for agents?': 'Former publishers have been tempted in increasing numbers to become agents themselves, either as a result of redundancy or because they find agenting an attractive alternative to publishing.'[205] Whatever the reason for leaving, many agents seemingly wanted to recreate the editorial role and return to the close interaction with authors. Idealism also played a part for some; the desire to encourage the production of high quality fiction is said to have been strong amongst some editors, while others with entrepreneurial aspirations and an extensive network of clients saw this as a potentially better paid and even more interesting job.

Many of these newly established agencies were successful from the very beginning because of client networks their founders brought with them from the publishing houses. David Godwin, previously editor with Jonathan Cape and now director of his own literary agency, is one example. Other than their network, former editors brought with them valuable knowledge about the various publishing houses, their personnel and the publishing market, as well as professional respect to the trade.

Prior to the 1970s, relatively few agents had worked as publishers before starting as agents.[206] Over the next two decades, this would change and today most agents have a

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[204] Blake, p. 219
[205] Christopher Gasson, 'End of an era for agents?', *The Bookseller,* 21 November 1997, p. 20.
[206] Giles Gordon, 'Agents and editors' *The Bookseller,* 4 September 1987, p. 1022.

background in publishing. This movement between publishing and agenting has been crucial in raising the professional reputation of agents. As a result, it looks as if agents have become better at their jobs and gained more respect from publishers.

An intensified quest for best-sellers

With the new owners and staff came a different attitude towards books: the idea that books could be both a cultural medium and a profitable commodity. The only problem facing publishers was that very profitable books are unpredictable and few and far between. In an attempt at maximising the number of best-sellers, and thereby profitability, publishers chose to publish more and more books. While authors and agents worked hard to reach through to publishers and the reading public in a crowded market place, publishers became increasingly dependent on best-sellers. That kind of dependency was evidently not new to publishing. As early as 1970, Bernard Bergonzi had pointed to the financial importance of best-sellers:

> It is well known that the economics of novel-publishing is precarious; that first novels almost always lose money, and very few novels make much; and yet publishers are still remarkably eager to go on publishing them, because the rewards from hitting the jack-pot with a best-seller are so prodigious.[207]

However, the dependence on best-sellers became what many publishers considered to be a vicious circle. Until the 1990s, publishers used the profits generated by their profitable

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[207] Bernard Bergonzi, *The Situation of the Novel,* 2nd edn (London: The Macmillan Press, 1979), p. 12.

authors to subsidise publication of less-known and experimental writers. To illustrate the growing importance of best-sellers to the publishing industry, Jason Epstein explained the situation in the U.S.

> Between 1986 and 1996 the share of all books sold represented by the 30 top best-sellers nearly doubled as retail concentration increased. But within roughly the same period 63% of the 100 bestselling titles were written by a mere six writers [...] a much greater concentration than in the past and a mixed blessing to publishers who sacrifice much of their normal profit, and often incur losses, to keep powerful authors like these. [208]

As best-selling authors became aware of their value to the publishing houses, their pay expectations increased accordingly. They no longer appeared willing to be viewed as potential sponsors of other authors. As a result, agents decided to become much more aggressive when selling manuscripts that were likely to sell well, be it by first-time or long-established authors. With the help of their agents, authors raised advance levels, often to the point where the advance was never actually earned. Occasionally, the unearned advance would be recuperated through the sale of subsidiary rights, otherwise the advance would be written off. Thus, the business of publishing best-selling authors was no longer as lucrative as it once had been. The result – many people in the industry felt – was that fewer resources were left to subsidise new writers, which put further pressure on profitability and created a greater dependence on 'surprise' best-sellers such

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[208] Jason Epstein, 'The watch in the desert', *The Bookseller,* 28 July 2000, p. 25

as Dava Sobel's *Longitude* and Louis de Bernières's *Captain Corelli's Mandolin*. But these books were by definition rare; a publisher explained: 'It's very difficult to have a best-seller without the marketing spend [...] only about five in every 100 best-sellers are pure word of mouth phenomena.'[209] Jason Epstein agrees that this trend represented a trap: '...the excessive royalty guarantees demanded by the authors of predictable best-sellers render their profitability problematic while the profitability of books in the broader category is made problematic by the unpredictability of their sales.'[210] Yet, most publishers seemed eager to acquire new and retain their existing best-selling writers since famous authors tend to confer status and attention upon their publishers. The benefits of a best-seller have the potential to go beyond the financial impact; it gives the publisher a track record of successes, which can attract both authors, booksellers and investors, and it can boost morale amongst its employees. As Victoria Barnsley, then the head of Fourth Estate, explained: '[a best-seller] gave one a taste of success, and, as a result, everyone was more ambitious in the company. And the trade and authors were much more interested in what we were doing.'[211] A widely held view in publishing is that the focus on best-sellers represents a possible threat to the diversity and quality of publishing. However, as of yet, it has been very difficult to prove that the quality of literature has deteriorated as a result of the focus on best-sellers. Some people even argue that the steadily increasing number of titles suggests an increasing range and variety of titles.

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[209] Liz Bury, 'Books that rock the bottom', *The Bookseller,* 23 February 2001, p. 26.
[210] Jason Epstein, 'The Rattle of Pebbles', *The New York Review of Books,* 27 April 2000, p. 58.
[211] Bury, p. 26.

More and more titles

The focus on best-sellers appears to have exacerbated the problem of overproduction and eroded profitability in the publishing business. According to the Publishers' Association, 119,001 titles were published in the U.K. in 2001, up from 116,415 in 2000.[212] This compares to 175,464[213] titles in the U.S. in 2001, which served a home market of 285 million people (in 2001)[214] – nearly five times the size of the U.K.'s population of 59 million (in 2001).[215] Although U.K. book exports constituted a substantial market for British publishers – £1.19 billion in 2001 – there was still an overproduction of titles in the U.K.[216] In any given year, there are close to 1 million books in print in the U.K. while the corresponding number for the U.S. is around 1.7 million.[217] Figure 5 (next page) illustrates the growth in the number of titles published over the last century. As we can see, from the mid-1980s onwards there is a clear acceleration of book output.

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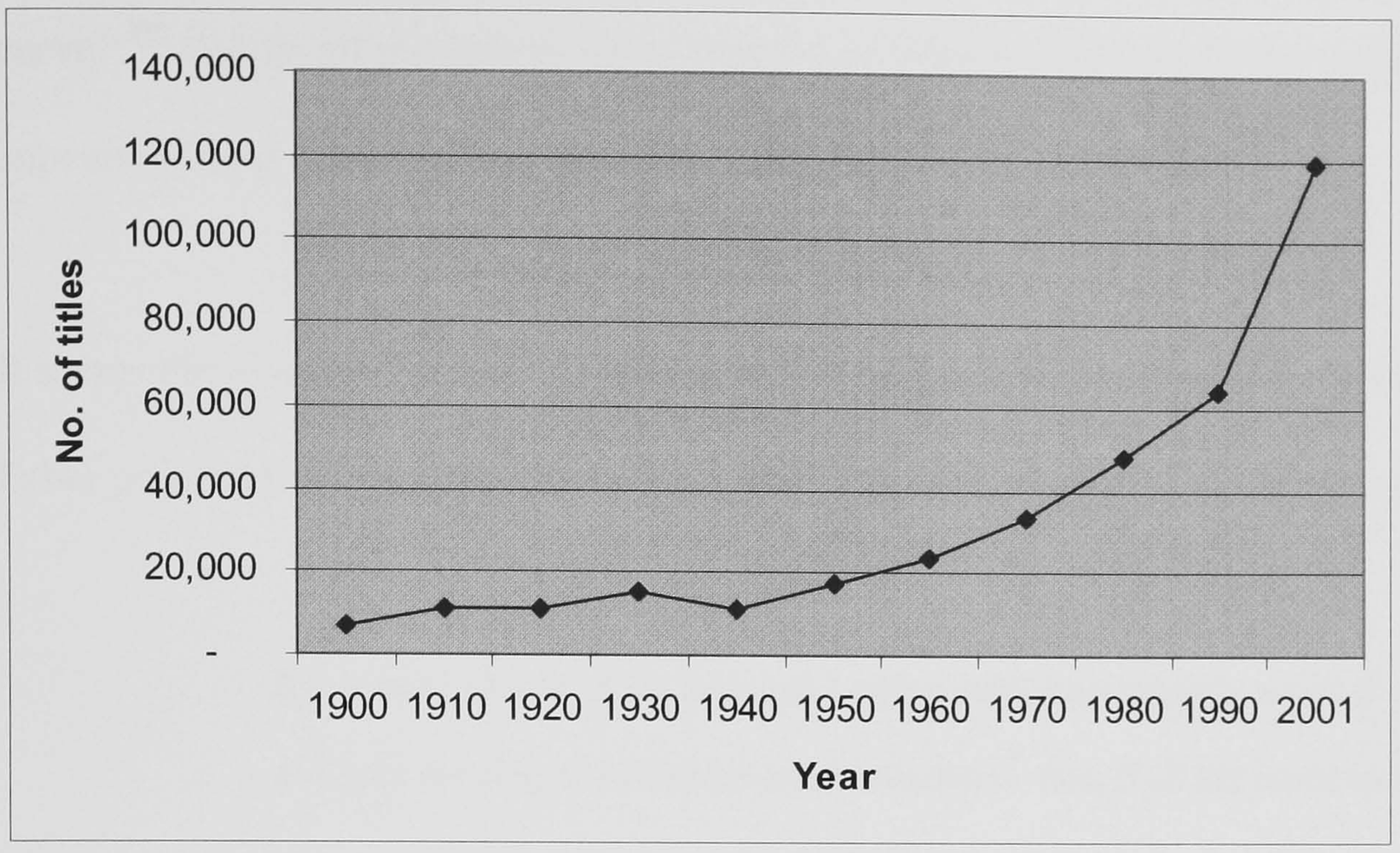
[212] The Publishers' Association's web-site <http://www.publishers.org.uk/paweb/paweb.nsf/ pubframe! Open> (accessed 23 September 2003).
[213] <http://www.bookwire.com/bookwire/BookProduction/DecadeBookProduction.html>; <http://www.bookwire.com/bookwire/bookproduction/trade.html>; <http://www.bookwire.com/bookwire /bookproduction/university.html> (accessed 29 November 2003). There is a good deal of conflicting data on the number of titles published in the U.S. According to *The Bookseller,* R.R. Bowker is the best source of comparison with Whitaker's numbers. This information includes trade books and university press production in addition to traditional publishers' production.
[214] U.S. Census Bureau web-site <http://eire.census.gov/popest/data/states/tables/NST-EST2003-01.php> (accessed 20 November 2003).
[215] National Statistics web-site <http://www.statistics.gov.uk/cci/nugget.asp?id=6> (accessed 23 September 2003).
[216] <http://www.publishers.org.uk/paweb/paweb.nsf/ pubframe! Open> (accessed 23 September 2003).
[217] <http://www.booktrust.org.uk/working/industry.html> (accessed 29 November 2003); Anonymous, *Books In Print 2001-2002* (New Jersey: Bowker, 2001), p. vii.

Figure 5 - Titles Published in the U.K. 1900-2001



Source: *The Bookseller; The Truth About Publishing* 7th edn; *The U.K Publishing Industry; Mumby's Publishing and Bookselling in the Twentieth Century,* 6th edn.

The problem of overproduction has been aggravated by falling book production costs and an intensified pursuit of best-sellers. Even publishers admit that the dependence on best-sellers is such that editors commission as many titles as possible hoping that at least one will become a success.[218] There is also the pressure of building a list and presenting something new, which can potentially jeopardise the quality of what is being published. The growth in the number of new titles has accelerated with the conglomerates' desire to grow. In the view of one conglomerate publisher, there are two ways of growing: by acquiring other publishers or publishing more titles.[219] As the pool of potential acquisitions has been shrinking, publishers have chosen the alternative route for growth. People across the industry are concerned about this strategy. As one publisher said: 'In my view, it is impossible to have growth in publishing. You have peaks and troughs;

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[218] Interview 22 September 2000.
[219] Interview 22 September 2000.

good years with best-sellers, then flat years. You do not have a naturally upward curve.'[220] While all publishers agree that fewer titles would benefit the industry, no one appears willing to be the first to reduce output.

It seems that overproduction is not new to publishing. Already back in 1934, Geoffrey Faber pointed to the overproduction and the lack of profitability in the business:

> If it is true – as one of the principal London publishers recently asserted at a joint meeting of publishers and booksellers – that, if all the profit and loss accounts of all the general publishers in London for the last five years were put together, the resulting balance would show a deficit – if this is true, as I believe it to be true, why, then surely the ordinary operation of ordinary economic laws will eliminate the weaker brethren and reduce output to its natural level?[221]

'What is wrong with publishing is that there are too many publishers, and far too many books. [...] The [publishing] market is glutted. General publishing is therefore fast degenerating into a gambling competition for potential best-sellers.'[222] This quotation, taken from a book published in 1934, still echoes the concerns of people in publishing today. Michael Sissons, then with A.D. Peters, pointed out the same problem in the late 1960s:

> Far too many titles are published over the whole range of general fiction and non-fiction to sustain the general level of profitability which and industry of this size needs. It is infinitely galling when we have a first

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[220] Interview 22 September 2000.
[221] Geoffery Faber, *A Publisher Speaking* (London: Faber and Faber, 1934) p. 137.
[222] Faber, pp. 135-136.

> book of genuine quality, and a publisher is aware of it, to discover when it comes on the market that it is sandwiched between half a dozen parcels of real tripe in the fiction review columns of the press.[223]

Over thirty years later, overproduction of titles is still considered by many observers to be one of the major problems facing British publishing. And, as some industry insiders claim, publishing is still a loss making business. Robin Baird-Smith found this information in a 1999 survey on the profitability of the industry:

> Recently an independent report on the publishing industry was published. This report was statistically based and demonstrated that scores of publishers are grossly inefficient in their use of capital and make a loss on every pound invested. Of the 1,772 firms surveyed, 322 were in the 'danger zone' because of declining profitability. Only 32 per cent made an acceptable return of 10 per cent on their investment.[224]

More titles could be interpreted as a sign that the book trade is thriving, but the consequences for authors, publishers, agents and booksellers are not necessarily positive. The more titles, the harder each title has to fight to for the consumer's attention; as we saw earlier in this chapter, the success of a book is increasingly dependent on expensive marketing campaigns. As Jason Epstein explains, to be able to offer more titles, booksellers reduce the shelf life of a book, giving the author a limited chance of building a readership base.

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[223] Michael Sissons, 'The Author and the Literary Agent' in *The Writer in the Market Place* ed. by Raymond Astbury (London: Clive Bingly, 1969), pp. 11-22 (p. 20).
[224] Robin Baird-Smith, *Independent on Sunday,* 26 September 1999, p. 9.

> ...the life expectancy of many valuable books has declined as chain-store retailers are forced to seek even higher rates of turnover, and morale in the industry suffers accordingly. When this phenomenon first became apparent some 30 years ago, the industry joke was that the shelf life of a book had fallen to somewhere between that of milk and yoghurt. Since then the situation has worsened and the joke is no longer heard.[225]

The problem of nurturing talent

Publishers became reluctant to spend years in building authors' careers since booksellers were wary of ordering books by authors whose previous work did not result in large sales. The difficulty of building a writer's career was summed up by the *Independent*'s D.J. Taylor:

> The tiny life-cycle of the average novelist in these fraught and uncertain days is nothing short of a disaster for the various individual talents involved – but equally, it is also a disaster for literature. The majority of writers rarely find their feet until their fourth or fifth book.[226]

The agent Clare Alexander agreed:

> Would we expect a painter's first canvas to be their best? Would we suggest that a composer's first piece of music be their finest? And yet again and again publishing 'hypes' first fictions and then is disappointed in the eventual sales

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[225] Jason Epstein, 'The watch in the desert', *The Bookseller,* 28 July 2000, p. 25.
[226] D.J. Taylor, 'The short (but sweet) life-cycle of the contemporary novelist', *Independent,* 23 January 2001, p. 5.

> performance, dropping the author to find another 'fresh talent' who does not carry the opprobrium of bad Epos figures – yet.[227]

Publishers needed to be patient in order to nurture talent, but pressure to produce profits made this difficult.

Many agents are unsure how to handle these trends. The temptation to present publishers with an endless supply of new authors must be strong, as must be the desire to abandon clients as soon as the publisher loses interest. As publishers seem to reject career building, it is becoming an increasingly risky proposition for the agent as well. Some agents have responded to this situation by securing as high an advance as possible for first-time authors. They argue that when large sums of money are at stake, the publisher will work harder to guarantee the success of the book. In addition, given the uncertainty of success of future books, maximising earnings early on is in the author's and, indeed, the agent's interest. Other agents disagree with this approach arguing that a very high advance, particularly if it is never earned, can damage the author's long-term career prospects. Another approach has been to insist on detailed marketing plans to ensure maximum exposure, which, as we have seen earlier, is becoming an increasingly critical part of the agent's job. Whichever strategy is chosen, it is obvious that most authors must feel powerless facing these kinds of issues without an agent by their side.

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[227] Clare Alexander, 'Brain candy or brain manna?', *The Bookseller,* 25 August 2000, pp. 22-23.

Publishers will argue that they do attempt to build careers by insisting on two or multi-book contracts, particularly in the case of first-time authors. From the perspective of the publisher, the cost and work involved in launching a new author are potentially significant and the publisher does not want to run the risk of the author moving to another company just as the initial investment starts to pay off. These kinds of contracts show the publisher's willingness to give the author several chances to succeed, but they also force the author to stay within the initial contract conditions, something that agents are rarely in favour of.

The publishing business was not alone in going through a process of change during the last decades of the 20th century; bookselling was also transformed. The following chapter describes how the restructuring of the bookselling industry partly coincided with, partly came as a response, to changes in the publishing industry. As publishers became giant corporations with significant market power and influence, booksellers found it necessary and beneficial to consolidate their positions. Large chains replaced small independent bookshops, just as large publishing conglomerates had substituted small independent publishing houses. In addition, there were other influences, external to publishing and bookselling, which shaped the role of the literary agent.

Chapter IV – The restructuring of the British bookselling business and the growing importance of subsidiary rights

The restructuring of the British bookselling business

The emergence of the large bookselling chains

Until the 1980s, the British bookselling business was dominated by a myriad of small independent booksellers. W H Smith, which focused on children's books and the low to middle-brow adult market, was the only chain of any importance. But, according to Tim Waterstone, W H Smith was not taking advantage of its market position and dealt with its suppliers with 'a commendable lack of aggression.'[228] Around the late 1970s and early 1980s, two events with wide-reaching repercussions for the bookselling business took place; first, the acquisition by Pentos of Dillon's University Bookshop in 1977 and, second, the founding of Waterstone's in 1982.[229] As Richard Todd explained: 'The competition that ensued between the two enterprises exercised a ripple-outwards effect on the entire specialist retail book trade in Britain.'[230] Smaller chains such as Books etc., Blackwell's and Hatchards expanded in response to Dillons and Waterstone's aggressive new strategies. However, by the end of the 1980s, Waterstone's and Dillons had emerged as the clear leaders among the chains.[231] Waterstone's pioneered the concept of large, comfortable and customer-friendly bookshops with knowledgeable staff and sizeable and diverse stockholdings. In the early days, the restructuring of the bookselling

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[228] Tim Waterstone, 'The Other Side: Bookselling in Britain and the United States' in *Publishing Now*, rev. edn, by Peter Owen (London: Peter Owen Publishers, 1996), pp. 114-124 (p. 114).
[229] Richard Todd, *Consuming Fictions: The Booker Prize and Fiction in Britain Today* (London: Bloomsbury, 1996) p. 123.
[230] Todd, p. 123.
[231] Anonymous, *Bookselling in Britain*, (London and Bristol: Jordan & Sons and Bookseller Publications, 1992), p. 11.

business was received by industry people as well as the reading public with great enthusiasm. Peter Owen's excitement is illustrative of the mood in the mid-1990s:

> While there are still some good, small, personally run bookshops, most towns now have several good, well-stocked shops run by large chains, and staffed by literate and knowledgeable people. We now have in Britain some of the best bookshops in the world.[232]

Another pivotal moment for booksellers came in 1995 with the abolition of the Net Book Agreement (NBA).[233] Until then, bookselling trade practice was determined by a so-called net price, decided by the publisher, below which booksellers could not resell a

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[232] Peter Owen, 'Independent Publishing' in *Publishing Now,* rev edn by Peter Owen (London: Peter Owen,1996), pp.27-33 (pp. 27-28).

[233] The Net Book Agreement (NBA) was introduced in 1900 with the support of the Publishers' Association, Association of Booksellers and the Society of Authors. The NBA allowed publishers to price their books at a so-called Net Price. Booksellers were not allowed to sell books below the Net Price. The NBA came as a response to a number of bankruptcies amongst booksellers and concerns that diversity was under threat. Fierce competition had forced retailers to stock only best-selling books, with disastrous consequences for the width and depth of their stockholding. The NBA became of major importance to the publishing and bookselling businesses. In *A History of British Publishing,* John Feather describes it as 'the economic cornerstone of the whole structure of British publishing in the twentieth century' (p. 148). The agreement remained unchanged, although not unchallenged, until 1957 when it was revised, due to new regulation on price-fixing under the Restrictive Practices Act of 1956. In 1962, the revised version of the NBA was reviewed by a special court set up as a result of the new act, but allowed to stand. In September 1995, several of the larger publishing houses including Random House, HarperCollins and Penguin decided to withdraw from the NBA. This had major ramifications for the entire industry. Publishers and booksellers started to negotiate large discounts which in turn were passed on the consumer in the hope that it would lead to an increase in the sale of books. Between 1995 and 1997, the opposite happened; the value of the retail book market declined by 4% in real terms (<http://www.culturaltrends. org.uk/newsinfo/ press_releases/29_books.htm> (accessed 29 November 2003)). However, from 1997 onwards the book market started to grow again, even in real terms, but exactly how much is subject to discussion (as we can see in Appendix G, estimates on the value of the British book trade vary a great deal, therefore reliable evidence of the effect of ending the NBA on book spending is hard to find). The extent to which the abolition of the NBA has had a positive effect on book sales is still hotly debated. Some commentators argue that consumers buy the same number of books just at lower prices, while others maintain that consumer are buying more books because they are cheaper. The abolition of the NBA had another effect; that on independent bookshops. According to the *Guardian,* the number of independent bookshops in the U.K. fell from 1,894 in 1995 to 1,699 in 2000, a drop of 195 or more than 10% (John Ezard, '10% of small bookshops forced out of business', 5 March 2001, <http://books.guardian.co.uk/news/ articles/0,6109,446461,00.html> (accessed 29 November 2003); (Ian Norrie, *Mumby's Publishing and Bookselling in the Twentieth Century,* 6th edn. (London: Bell and Hyman, 1982) pp. 168-172; John Feather,

book. The ability of large bookshops with a popular selection of books to undercut smaller, specialised bookshops was thereby severely limited. The aim was to provide the public with bookshops carrying a wide selection of books, in rural as well as urban areas. With the demise of the NBA, bookstores were free to price their merchandise and, for those powerful enough, demand higher levels of discounts from publishers; an increasing necessity given the rising cost of prime location retail outlets and competitive onslaughts from on-line booksellers and non-traditional outlets such as supermarkets. An example is Waterstone's, who in 2000 asked their suppliers for 50% discount and ninety days sales credit on all their purchases.[234] Usually discounts run between 35% and 40% and sales credit sixty days. The demand caused uproar across the industry, particularly amongst small and medium-sized publishers, and demonstrated how industry restructuring favours the large companies, both on the publishing and bookselling side.[235] Since then, many independent bookshops have disappeared, Waterstone's has been accused of losing its customer focus and diverse inventory, and the discounting war between chains, Internet retailers and supermarkets appears to have eroded both publishers' and booksellers' margins.

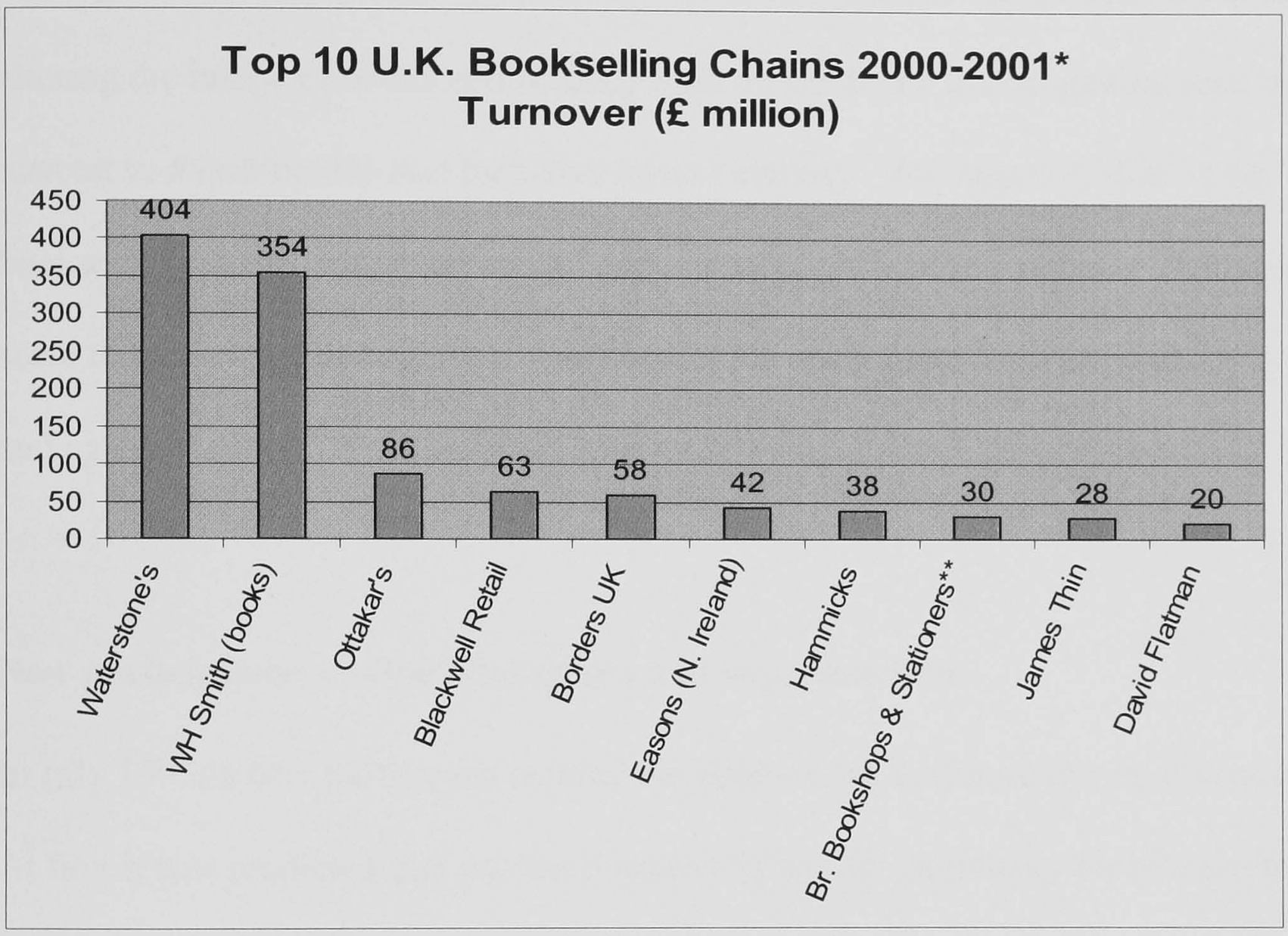
A History of British Publishing (London and New York: Routledge 1988) p. 148; Carole Blake, *From Pitch to Publication: Everything You Need to Know to Get Your Novel Published* (London: Macmillan, 1999), pp. 131-132.

[234] John Ezard, 'Bookshop discounts "threat to publishing" ', *Guardian Unlimited,* 2 December 2000 <http://www.guardian.co.uk/uk_news/story/0,3604,405727,00.html> (accessed 24 September 2003).

[235] Ezard, 'Bookshop discounts "threat to publishing" '. In December 2000, 635 booksellers filed a complaint with the Office of Fair Trading, claiming that Waterstone's, with a 20% market share, was abusing its dominant market position. The Office of Fair Trading rejected the complaint in January 2001. (Anonymous, 'Three resolutions for the book trade in 2001', *The Bookseller,* 5 January 2001, p. 26.)

In 2000, Waterstone's was by far the largest bookseller in the U.K. with turnover of around £404 million, while the second largest, W H Smith, had sales of £354 million. The third largest, Ottakar's, was far behind with turnover of £86 million.

Figure 6 - Top 10 U.K. Bookselling Chains 2000-2001 - Turnover (£ million)



Source: *The Bookseller's Pocket Yearbook 2003,* p. 23. *Numbers are from 2000 or 2001. ** Numbers include stationary sale.

It is generally acknowledged that the development of the British bookselling chains has represented nothing short of a revolution for both bookselling and publishing. For example, the ability to co-ordinate marketing campaigns in hundreds of shops throughout the country is often considered to have benefited not only booksellers, but publishers as well. Literary prizes are also said to owe much of their extraordinary success since the 1980s to the bookselling chains. The publicity and marketing events organised in connection with literary prizes have made the Man Booker Prize, for example, one of the

most important publishing events of the year, both from a commercial and a literary perspective. Booksellers are the publishing trade's face to the consumer; where bookshops are located, their physical appearance, how reading is portrayed and how books are presented contribute to the public's perception of literature and the activity of reading. It is a widely held view that the bookselling chains have been instrumental in altering the image of books and reading from an academic and somewhat exclusive interest to a fashionable and inclusive leisure activity. The raised profile of the bookselling chains, the wider appeal and the more professional approach to book sales seem to have benefited everyone involved in the publishing business, including authors and agents.

New participants: on-line booksellers and supermarkets

In July 1995, a new participant entered the bookselling business: the on-line bookseller. At first it was predicted that on-line booksellers would completely replace terrestrial bookshops, however, that looks unlikely today. A more realistic scenario is that the two will co-exist. Of the Internet book retailers, Amazon.com (Amazon) is by far the largest. In the autumn of 2001, Amazon became the third largest bookseller in the U.K., after Waterstone's and W H Smith, with sales of £90 million.[236] The other significant Internet bookshop, bol.com, owned by Bertelsman, stopped operating as a bookshop and became a book club in 2001, amid fierce competitive pressures from Amazon.[237] The influence of on-line booksellers, particularly Amazon, on the book trade has been significant. Its

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[236] Liz Bury and Richard Lewis, 'Amazon.co.uk claims place in top three', *The Bookseller,* 26 October 2001, p. 5.
[237] <http://www.bca.co.uk/PressReleases/17102002.htm> (accessed 29 November 2003).

customer focus and inventive approach to book marketing has put pressure on terrestrial booksellers to re-think their strategies. Amazon has addressed two of the main weaknesses of terrestrial booksellers; the overwhelming number of titles displayed on the shop floor and the limited inventory capacity. What meets the customer on Amazon's web-site are not aisles and aisles of books but rather a small selection that is likely to appeal to his or her taste. Tailor-made customer recommendations based on previous purchases or stated preferences direct the customer to books that are likely to be of interest. On-line booksellers' inventory capacity goes far beyond that of terrestrial booksellers. While the average high street bookstore has around 20,000 titles[238] and Waterstone's flag ship store in London has 260,000 titles[239] in stock, Amazon boasts 'more than 1.5 million books' on its U.K. web-site.[240] In spite of superior inventory and customer service, on-line book sales constituted only 5% of total books sales in 2001.[241] After several years of solid growth – only from 1999 to 2000, Amazon's turnover grew by an astonishing 133%[242] – on-line sales appeared to have stabilised in 2001.[243]

After a turbulent start for on-line commerce, it now appears as though bookshops on the Internet are here to stay. Amazon has some forty-two million customers world-wide, and after initial financial difficulties, the company is now profitable.[244] The invention of on-

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[238] Waterstone's (by phone).
[239] Waterstone's (by phone).
[240] <http://www.amazon.co.uk/exec/obidos/tg/stores/static/-/jobs/company-info/026-5529335-6878814> (accessed 3 April 2002).
[241] Anonymous, *The Bookseller's Pocket Yearbook 2002* (London: Bookseller Publications, 2001), p. 52.
[242] *The Bookseller's Pocket Yearbook 2002*, p. 52.
[243] Joel Rickett, 'Internet sales flatten out', *The Bookseller,* 11 May 2001 <http://www.thebookseller.com/?did=4039&srq=supermarkets&sbr=76&dr=2003,10,04-1> (accessed 4 October 2003).
[244] Amazon made its first profits in the U.K. during the fourth quarter of 2002. (Owen Gibson, 'Amazon posts first U.K. profits', 24 January 2003 <http://media.guardian.co.uk/city/story/0,7497,881452,00.html> (accessed 31 January 2002); Anthony Noto, 'Amazon.com Inc.', *Goldman Sachs Global Equity Research* (New York: Goldman Sachs, 23 January 2002), p. 7)

line bookselling has forced terrestrial bookshops to rethink their strategy, particularly as regards customer experience. As a result, bookshops are increasingly becoming what one can describe as combined shops and entertainment centres with in-store cafés, book readings and book clubs.

Another, increasingly important sales channel for books is supermarkets, of which Asda, Safeway, Sainsbury, Tesco and Woolworths are the most important. Supermarkets focus on best-sellers in genres such as commercial fiction, cookery books and celebrity biographies, books that generally generate the most profits for both booksellers and publishers. Due to the large volumes of books that supermarkets buy, they usually succeed in negotiating substantial publisher's discounts. As a result, they are able to sell books at deep discounts to the public. Despite their demands for high discounts, supermarkets are important sales channels for publishers, particularly after their sales were included in best-seller charts. As a publisher explained: 'Supermarkets are big players in the BookScan [book sales monitoring system] universe so you have to weigh that up as well as the cost of the extra margin demanded, because you risk losing a place in the bestseller charts if you refuse to play ball.'[245] As we will see, to defend their market share, booksellers have been forced to match supermarket discounts, at a great cost to their profitability. In 2002, Key Note estimated that supermarkets accounted for around 7% of all book sales.[246]

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[245] Anonymous, 'Price – a weapon of mass destruction?', *The Bookseller,* 14 March 2003 <http://www.thebookseller.com/?did=5247&srq=supermarkets&sbr=51&dr=2003,10,04-1> (accessed 4 October 2003).

[246] Jenny Baxter ed., *Bookselling: 2002 Market Report,* 11th edn (Hampton: Key Note Ltd., 2002), p. 19.

The new sales channels have represented both opportunities and challenges to authors and agents. On the one hand, book-buying has become more accessible and convenient for consumers, thereby potentially increasing book sales. For example, people who would not normally buy books or even enter a bookshop will be exposed to books in the supermarket. Unlike bookshops, in which the typical customer is already a reader, alternative outlets seem to have the ability to recruit new book readers. On the other hand, new outlets have also represented a threat to author and agent earnings in the form of more aggressive discounting.

The discounting war

The market power of booksellers such as Waterstone's, W H Smith and Amazon is tremendous and their influence on suppliers significant. Over the last few years, one of the most contentious issues between agents and publishers has been discounting. Discounting in the publishing industry can be categorised in two groups; publishers' and booksellers' discounts. Publishers' discounts regulate the price at which the publisher sells a book to the bookseller, whereas booksellers' discounts determine the price at which the bookseller sells a book to the public. According to the Booktrust[247] publishers' discounts vary between 35% and 65%:

> Independent booksellers receive approximately 35-40% discount on titles bought from publishers, whereas the chains are able to negotiate larger discounts (typically 40-60%). Retailers agree terms with publishers

[247] The Booktrust is an independent educational charity founded in 1926 whose aim it is to 'bring books and people together' (<http://www.booktrust.org.uk/> (accessed 29 November 2003)).

annually but, increasingly, discounts on certain titles (potential bestsellers) and books for special promotions are negotiated individually. For a large order, discounts can reach as high as 65%.[248]

Publishers' discounts used to be around 35%, but have increasingly become closer to 50%[249], whereas booksellers' discounts, which depend on the title and market conditions at any given time, vary between 20% and 40%, but can go as high as 55%.[250] [251] Both booksellers' and publishers' discounts have been allowed since 1995 and they heavily favour the large bookselling chains. Because of the large volumes of books the chains order, they can negotiate deeply discounted prices. This is rarely the case for small independent bookshops. Publishers, in turn, try to shift some of this cost onto the author by lowering royalties. Not surprisingly, agents and authors are deeply opposed to anything that would put further pressure on author incomes.

Since the late 1990s, the large chains, on-line booksellers and supermarkets have been buying market share by heavily discounting their books. Bookseller's discounts, even on newly released best-sellers, usually the source of booksellers' profits, have become customary. An example is the sale of the fourth Harry Potter book, published in 2000,

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[248] <http://www.booktrust.org.uk/working/industry.html> (accessed 29 November 2003).
[249] Blake, p. 130.
[250] Anonymous, *The Bookseller's Pocket Yearbook 2001*(London: Bookseller Publications, 2000) p. 57; Dr Hugh Phillips, 'Selling ourselves short', *The Bookseller,* 6 May 2003 <http://www.thebookseller.com/?did=5957&srq=hugh%20phillips&sbr=1&dr=2004,01,08-1999,10,01&atl=> (accessed 4 October 2003).
[251] In July 2001, the Publisher Association published a comparative survey of book prices in the U.S. and the U.K. One of the most interesting findings was that while 52% of all titles published in the U.K. are sold at a discount, only current best-sellers tend to be available at a reduced price in the U.S. Furthermore, according to the report: 'Discounting continues to be applied across a wide range of titles in the U.K., including mass market paperbacks, which are neither so widely nor so deeply discounted in the U.S. In the U.S. discounting is relatively standardised, either to a set percentage from the recommended retail price or to a specific bestseller listing.' (<http://www.publishers.org.uk/paweb/paweb.nsf/pubframe> (accessed 18 May 2003)).

which, in spite of being a guaranteed best-seller even at its relatively high recommended retail price of £14.99, was sold at discounts of up to 40% by Amazon and bol.com, and up to 50% by W H Smith, Waterstone's and Ottakar's.[252] Likewise, the fifth Harry Potter book published in 2003 was subject to similar discounting. On 24 June 2003, *The Bookseller* reported that after only three days of trading, Internet retailers, bookselling chains and supermarkets had given away £11 million in discounts on *Harry Potter and the Order of the Phoenix.*[253] This compares to £14 million which is the sum of all discounts given on the previous four Harry Potter books.[254] These kinds of discounts undermine the profitability of large booksellers, but are even more detrimental to small independent bookshops. As *The Bookseller* observes: '…discounting of lead titles by the chains, by supermarkets and more recently by Internet retailers has creamed off [the best-seller] business from independents, denying them sales that used to provide them with the best part of their profits.'[255] The strategy of the large booksellers and on-line retailers is to attract buyers into their shops or onto their web-sites with the promise of large discounts on popular titles. Once there, customers will often make additional purchases.

Average discounting by national chains in 1996-97 was, according to *The Bookseller's Pocket Yearbook 2001,* 23.4% for Dillons, 20.7% for Waterstone's, 30.7% for Menzies and 27.5% for W H Smith. In addition, non-traditional booksellers such as Asda, Safeway, Sainsbury, Tesco and Woolworths operated with discounts between 27% and

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[252] Anonymous, 'Getting into hot water over Harry', *The Bookseller,* 7 July 2000, p. 16.
[253] Anonymous, 'Harry Potter discounts cost £11m', 24 June 2003 <http://www.thebookseller.com/?did=7315&srq=harry%20potter%20discounts&sbr=1&dr=2004,01,08-1999,10,01&atl=>
[254] Anonymous, 'Half-price Harry hurts trade', 23 January 2003 <http://www.thebookseller.com/?did=2963&srq=half-price%20harry&sbr=1&dr=2004,01,08-1999,10,01&atl=>
[255] Anonymous, 'Blockbusters and the broadening sales gap', *The Bookseller,* 3 March 2000, p. 22.

35% in 1996-97.[256] Bookseller discounting appears to have reached its peak in 1999, at the height of the Internet booksellers' push to buy market share. It has since abated, partly because of on-line booksellers' financial difficulties. According to *The Bookseller's Pocket Yearbook 2003* the percentage of adult books bought at discount went from 46% in 1998, up to 49% in 1999 and down to 48% in 2000.[257] In March 2000, *The Bookseller* reported that while there was a 3% drop in average book prices in 1999, prices grew by 1% in 2000.[258] Nevertheless, as we have seen in the case of the Harry Potter books, discounting is still common on best-sellers, particularly those that are sold through a number of competing types of outlets. As an illustration, in September 2001, only three weeks after publication, Jamie Oliver's *Happy Days with the Naked Chef* sold at an average discount of 26%. Likewise, the best-selling autobiographies of Victoria Beckham and Robbie Williams sold at average discounts of 22% and 25% soon after arriving at the bookshops.[259] The following comment in *The Bookseller* demonstrates the growing trend for discounting on best-sellers: 'Discounting was especially fierce on bestselling fiction, with the top 5,000 discounted by an average of 21% in the first half of 2002, compared to 14.2% in 1998.'[260]

What consequences does the trend for heavy discounting have for authors and agents? Increased sales volumes as a result of discounting are seen by many people as benefiting mainly books that are extensively marketed and already likely to sell well, such as the

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[256] Anonymous, *The Bookseller's Pocket Yearbook 2001* (London: Bookseller Publications, 2000) p. 57.
[257] Anonymous, *The Bookseller's Pocket Yearbook 2003* (London: Bookseller Publications, 2002) p. 26.
[258] Liz Bury, 'Fewer buyers, higher spends', *The Bookseller,* 2 March 2001, p. 5.
[259] Jason Ritchie, 'Happy days with hefty price cuts on the bestsellers', *The Bookseller,* 21 September 2001, p. 13.
[260] Anonymous, 'Price – a weapon of mass destruction?', *The Bookseller,* 14 March 2003 <http://www.thebookseller.com/?did=5247&srq=supermarkets&sbr=51&dr=2003,10,04-1> (accessed 4 October 2003).

books by celebrity authors mentioned earlier. Other discounting techniques, such as 'three-for-two' promotions, are viewed as a potentially larger threat to authors' earnings. This kind of discounting is unlikely to have a huge impact on sales volumes of each individual book in the selection, but will, in the aggregate, result in higher volume of sales for the publisher.

At the heart of the discounting debate is the matter of which price should form the basis for royalty calculations; the recommended retail price or the discounted price. Before discussing the discounting debate further, it is necessary to outline the principles of royalty calculations. Traditionally, royalties have been calculated as a percentage of the recommended retail price. Typical royalties for hardbacks sold in the home market (includes the U.K., Ireland and the EU) are 10% for the first 2,500 copies, 12.5% for the next 2,500 copies and 15% thereafter. Paperback royalties in the home market are 7.5% for the first 15,000 copies and 10% thereafter. On export sales to countries other than those considered to be the home market, royalties are generally lower with 5% for the first 2,500 copies and 6.25% thereafter on hardback editions and 6% for the first 15,000 copies and 8% thereafter on paperback editions.[261] However, as Carole Blake writes: '…publishers are putting more and more pressure on authors and agents to accept royalties based on the price received […] Publishers do not like to shoulder the burden of high discounts alone: they want the author to share in the reduction of income.'[262] When selling to supermarkets, the issue of large discounts usually arises. Publishers will argue that the supermarket's order will only come through if it is offered at a substantial price

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[261] Blake, p. 213.
[262] Blake, pp. 142-143.

reduction. 'The conundrum for the author and the agent is to work out if they believe the order will be forthcoming at that level of discount and, if so, is it worth selling many thousands more even though the royalty per copy is unusually low?'[263] Often discounts are not specific to any titles, but are given to booksellers because of their volume of overall business with the publisher. Very high levels of discounts can trigger so-called 'high discount clauses' which were often incorporated into publisher's contracts as standard provisions before deep discounting became common practice. These clauses, triggered when discounts to booksellers exceed 50%, stipulate that the author will receive 'four-fifths of the full royalty.'[264] But as discounting is becoming increasingly prevalent and the rates of discount are on the rise, the pressure on authors to accept further cuts to their royalties is growing. Royalties on a price-received basis are unacceptable to authors and agents, argues Jonathan Lloyd, since it: '…removes totally our ability to know in advance what royalty we are going to receive for each copy. It means an open-ended licence for a publisher to give whatever discount they like.'[265]

The discounting debate is a useful illustration of the kinds of issues authors are faced with in a tougher publishing and bookselling climate. It is also a typical case in which agents, individually or collectively, are better positioned to negotiate and protect the interests of their clients than authors would have been on their own. The high discount clause, for example, was negotiated by the AAA on behalf of their members.[266] Another

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[263] Blake, p. 123.
[264] Anonymous, 'Royalites – what royalties?', *The Bookseller,* 4 April 2003 <http://www.thebookseller.com/?did=5549&srq=discounting&sbr=26&dr=2003,09,22-199> (accessed 22 September 2003).
[265] Anonymous, 'Agent provocateur', *The Bookseller,* 15 August 2002 <http://www.thebookseller.com/?did=324&srq=agent%20provocateur&sbr=1&dr=2004,01,08-1999,10,01&atl=> (accessed 4 October 2003).
[266] Blake, p. 143.

way in which agents have sought to counterbalance the pressure on royalties has been to press, whenever possible, for higher advances. But the ability to do so successfully, particularly by staging auctions, is limited to a relatively small group of highly successful or promising writers. However, the trend is that more and more agents will choose to auction an increasing number of their books.

Sales tracking on an unprecedented scale

Electronic sales monitoring or so-called electronic point of sales (EPOS) was another consequence of the new publishing and bookselling environments. EPOS, which allows booksellers to record data on each and every sale made, has strongly influenced the way both booksellers and publishers manage their business and, finally, how agents advise their clients. In the U.K., Nielsen BookScan[267] is considered the most important source for this kind of sales data. Booksellers' purchase decisions are said to be increasingly dictated by sales data, which in turn influence publishers' decisions. While many booksellers and publishers praise the system as an invaluable tool in managing their business, others argue it is unhealthy for the book trade. Agents fear this trend will erode publishers' and booksellers' patience with new authors.

> …in the field of literary fiction, publishers and booksellers are losing confidence in authors when their early works fail to set the charts alight.
>
> The market is shifting to a heavy emphasis on everyone's first book.

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[267] In May 2002 the three companies Whitaker BookTrack in the U.K., BookScan in the U.S. and BookTrack/AC Nielsen in Australia combined to form Nielsen BookScan. Some of BookScan's market information is available free of charge on their web-site www.booktrack.co.uk. *The Bookseller* also publishes market information based on BookScan data. However, full access to BookScan's database is only available through subscriptions.

Booksellers use Electronic point of sales without really knowing what they are talking about. They don't understand that the way you really make things work is by sticking with those you think are good.[268]

Tim Waterstone recognised that although EPOS has great advantages, which will possibly lead to a more profitable industry, it also has weaknesses. 'In American retailing (now almost entirely driven by electronic inventory control)' he argued 'one senses some dangerous evidence of de-skilling in branch staff, as automatic re-supply facilities are allowed to obviate the human buying decision process.'[269]

Building a career over a number of books has become harder because of EPOS, one publisher argues. Booksellers are now more likely to base a purchase decision on the sales of an author's previous books than the merits of that author's new book.[270] As we saw in Chapter III, the impatience with new talent represents a problem for agents as well. However, EPOS does have potential benefits. For example, as *The Bookseller* argues, publishers can use EPOS to eliminate "'me too' decisions" – publishing decisions that are similar to those of other publishers – in the commissioning process.[271] Particularly in the case of non-fiction and commercial fiction, where subjects quickly move in and out of fashion, this is valuable. Some people feel that it can also be useful in bringing attention to publishers or authors who are starting to sell relatively well, but who

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[268] Joel Rickett, 'Publishing by numbers?', *The Bookseller,* 1 September 2000, <http://www.thebookseller.com/?did=4449&srq=joel%20rickett&sbr=76&dr=2004,01,08-1999,10,01&atl=> (accessed 8 January 2004).
[269] Tim Waterstone, 'The Other Side: Bookselling in Britain and the United States', in *Publishing Now,* rev. edn by Peter Owen (London: Peter Owen, 1996), pp.114-124 (p. 119).
[270] Interview 22 September 2000.
[271] Anonymous, 'The accountants have not taken over', *The Bookseller,* 1 September 2000, p. 18.

are unknown and therefore overlooked in the purchasing process.[272] The best-seller *Longitude* would be such an example. Moreover, as the Booktrust argues, because of EPOS: 'Fewer books are returned to publishers because they are bought in smaller quantities' and, as a result, fewer books are having to be pulped or remaindered.[273] However, what sales data will not do, as pointed out by many observers, is to predict what will be in fashion next year. As David Young of Little, Brown explains: 'The role of editors is to be ahead of the beat, whereas the role of BookTrack [Nielsen BookScan] is to be behind the beat.'[274]

How did the wealth of information provided by EPOS affect the job of the literary agent? First, the increasingly sophisticated basis on which publishers made commissioning decisions and booksellers made purchase decisions is said to have forced agents to obtain the same level of knowledge. Detailed sales data became part of general market knowledge and agents had to be as informed as publishers to be effective. Second, one could argue that the more market information the author could access directly, the less value the agent represented to the author. However, although BookScan data is available to anyone, subscription fees are prohibitively expensive for the vast majority of authors. Furthermore, interpreting sales data requires experience and an understanding of the market that most authors do not possess. In addition, most authors feel that the role of the agent extends beyond that of provider of market knowledge. Third, like publishers and booksellers, agents could benefit from EPOS data in the commissioning process, but unless the agency is of a relatively large size, the expense of subscribing will most likely

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[272] Anonymous, 'Publishing by numbers?'
[273] <http://www.booktrust.org.uk/working/industry.html> (accessed 29 November 2003).
[274] Anonymous, 'Publishing by numbers?'

be too high. Finally, agents too need to be ahead of the market place rather than simply respond to it.

New aggressive marketing techniques

The new approach to marketing adopted by the publishing houses had significant effects on bookselling. More aggressive, targeted and costly marketing campaigns appear to have altered the way books were sold. Until recently, in-store marketing of books in Britain was driven by the bookseller's judgement of which books would do well. This was in contrast to the U.S. where in-store displays have been financed by a system of cost sharing between publisher and bookseller for a while.[275] An article in *The Spectator* published in October 2001 sought to dispel this myth. The author of the article, a publisher with one of the large houses in the U.K. writing under the pseudonym Chris Lewis, claimed that in-store displays and other bookseller marketing arrangements came at a price. For example, according to the author, W H Smith's 'Read of the Week' costs a publisher £10,000 while Books Etc and Borders charged £2,500 for their lead promotions. Amazon's 'Book of the Month', the author said, costs £6,000. 'It's not that publishers enjoy forking out to retailers or colluding with them to deceive readers, but as the competition intensifies, year after year, they can't afford not to' added Chris Lewis.[276] Apparently, strategic locations in bookshops must also be bought: 'Three-month slots in front-of-store shelves can be sold for up to £13,000 [...] Getting books into a prominent position in shops now costs more that the typical advance to a first-time novelist',

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[275] Tim Waterstone, 'The Other Side: Bookselling in Britain and the United States' in *Publishing Now,* rev. edn, by Peter Owen (London: Peter Owen Publishers, 1996), pp. 114-124 (p. 121).
[276] Chris Lewis, 'Cooking the books', *The Spectator,* 20 October 2001 <http://www.spectator.co.uk/.php3?table=old&section=back&issue=2001-10-20&id=1204> (accessed 1 September 2003).

according to the author. Even literary prizes are not always as 'fair' as their organisers would like the public to believe. To be considered for the W H Smith's 'Thumping Good Read' prize, for example, publishers pay £2,500. Although these claims are difficult to verify independently, as publishers and, indeed, booksellers are unlikely to be willing to discuss or even admit to such arrangements, it is a widely held view that competitive pressures are forcing bookstores to exploit every possible source of income.

Lewis's article did not stir the controversy one might have expected. *The Bookseller* argued that Lewis's claims were already common knowledge both within and outside the industry.

> He [Lewis] believed that the reading public would be shocked to discover that booksellers were not making recommendations based on literary judgements, but on financial contributions. [...] Customers know, when they see prominent displays in bookshops, that these titles are being hyped. It is doubtful that many are so naïve as to imagine that financial considerations do not play a part in the process, although they may not understand how the deals work. Similar arrangements take place elsewhere on the high street; the book retail trade has been catching up in recent years.[277]

Arguably, the reading public's understanding of how book promotions work lies somewhere in between Lewis's naïveté and *The Booksellers'* cynicism. For instance, it must seem obvious to most people that dumpbin promotions and prominent store positions are paid for by the publisher. Book recommendations and literary prizes, on the

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[277] Anonymous, 'Co-op promotions-conning the readers?', *The Bookseller,* 26 October 2001, p. 24.

other hand, are more likely to be accepted by the public as genuine. Booksellers are aware of publishers' desperate need to generate best-sellers and the challenges they face in marketing books in a very crowded market place and they will take advantage of this.

The publisher Anthony Forbes Watson agreed that the focus of the bookstores is on best-sellers in a *Bookseller* interview in 2001: 'The difference between big and small titles has become even more extreme, and bookshops organise themselves around the best-seller. It becomes increasingly difficult to obtain retailer support across the whole list' but, Watson goes on to argue, that this is not necessarily a bad thing: 'I don't think that is bad for retailers. I don't think it's bad for the public either. There is still a lot of choice out there. The review pages are still amazingly varied.'[278]

Richard Todd explains in *Consuming Fictions* how publishers decide on the allocation of marketing resources:

> Publishers of literary fiction now make no secret of their practice of dividing their lists into 'lead' and 'non-lead' titles. Only the former are 'seriously' promoted – that is, are allocated a substantial marketing and publicity budget. A lead title will be by a novelist who has a record of strong sales or by a lesser-known figure in whom the publisher in question ardently believes.[279]

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[278] Nicholas Clee, 'Picking up Penguin', *The Bookseller,* 26 October 2001, p. 27.
[279] Todd, p. 97.

As we saw in Chapter III, the importance of marketing to the success of a book is such that agents often get involved with marketing plans even before a publishing contract is signed. In most cases, publishing contracts are evaluated on the combined basis of advance size and marketing plans, rather than the advance alone. As Giles Gordon observed: 'The only books that are really working are the ones that the publisher will spend a fortune marketing.'[280] The focus on marketing appears to have strengthened the role of the agent whose opinion of the marketing plan is said to be important in the decision whether or not to accept a publishing offer. This is yet another example of an area in which the majority of authors do not have the necessary expertise and in which the agent's contribution is essential.

Literary prizes and book marketing

Reputable independent literary prizes such as the Man Booker Prize for Fiction, the Orange Prize for Fiction and the Whitbread Book Awards provide an excellent way of promoting books.[281] The overwhelming number of books published each year has created a great need for unbiased book recommendations. Because of their perceived

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[280] Interview 23 March 2000.

[281] There are a large number of literary prizes in the U.K. today with varying degrees of public appeal and independence, including: The James Tait Black Memorial Prizes, The Man Booker Prize for Fiction, The Guardian First Book Award, The Somerset Maugham Awards, the Orange Price for Fiction, The Betty Trask Awards, the Whitbread Book Awards and the W H Smith Book Awards, to mention but a few. Of these, the Man Booker Prize, the Whitbread Awards and the Orange Prize are the most important, both in terms of their size and the public attention they generate. The Man Booker Prize for Fiction, initially called the Booker Prize for Fiction, was set up in 1968 by Booker plc, and awarded for the first time the following year. Booker plc, a company mainly involved in sugar production and engineering, also had a profitable 'Authors Division', which owned the copyrights to famous authors such as Agatha Christie, Ian Fleming and Harold Pinter. In the late 1960s, the publisher Tom Maschler came up with the idea of a literary prize and approached the management of Booker as a possible sponsor because of its literary connection. The prize went on to become extraordinarily successful particularly from the 1980s onwards. Authors from the Commonwealth or the Republic of Ireland are eligible. The judging panel consists of five judges: a literary critic, an academic, a literary editor, a novelist and a 'major figure' (the Booker web-site does not provide a

impartiality, consumers feel comfortable relying on short-lists and winners as de facto recommendations; as Todd explains in *Consuming Fictions:* 'The Booker shortlist, however controversial, acts as a consumers' guide.'[282] Literary prizes present an important marketing opportunity for booksellers who usually take full advantage of the media coverage of the short-listed and winning novels. Winning and short-listed books are prominently positioned in bookshops, sold together at a discount and included in 'three-for-two' offers. The success of prizes such as the Man Booker, the Orange Prize, and the Whitbread Prize is owed to what the public perceives as thorough and fair evaluation processes by competent judging panels. Although originally set up as a way of encouraging reading as well as generating publicity around their sponsors, today literary prizes are viewed as extremely important events in the publishing calendar for

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definition of 'major figure'). The judges compile a long-list on the basis of all the books submitted by publishers, followed by a short-list of six books with the winner being announced in October of each year. Each short-listed author receives £2,500, while the winner receives £50,000. In 2002, sponsorship of the Booker Prize was taken over by The Man Group, a financial services company and the prize was subsequently renamed the Man Booker Prize for Fiction (<http://www.bookerprize.co.uk/intro/bg.html> (accessed 23 October 2003)). The Whitbread Book Awards were set up in 1971 by Whitbread plc, a leisure company involved in hotels, restaurants and sports and fitness centres. The Whitbread consists of five awards in the categories: novel, first novel, biography, poetry, children's book as well as an overall winner chosen from one of these five categories; the Whitbread Book of the Year. Each category winners receive £2,500 in prize money, whereas the overall winner receives a cheque of £25,000. There are three judges in each category (except children's books where there are five) and a panel of nine judges for the overall award. The category winners are announced in early January, while the overall winner is made public at the end of January. Submissions for the prize must by directly from a publisher and the book must have been first published in the U.K. during the preceding year (<http://www.whitbread-bookawards.co.uk/about.cfm>; <http://whitbread-bookawards.co.uk/homepage.cfm?section=2&page=awardsintro> (accessed 24 October 2003)). The Orange Prize for fiction was established in 1995 as a prize open to female authors only. The prize was set up in response to the lack of female authors on Booker Prize shortlists in the early 1990s. The mobile telecommunications company Orange plc is the sponsor of the prize. The judging panel consist of five women from different backgrounds: the book trade, the media, novel writing as well as one other 'high-achieving role model'. The prize money of £30,000 was the highest of all U.K. literary prizes until the Man Booker Prize was increased to £50,000 in 2002. The Orange Prize has a slightly less formal image than the Man Booker Prize and its prize giving ceremony is a much more casual affair (<http://www.orangeprize.co.uk/faqs/prize.html>;<http://www.orangeprize.co.uk/faqs/howsetup.html>; <http://www.orangeprize.co.uk/faqs/whojudges.html> (accessed 24 October 2003)) At € 100,000, the Dublin Impac Award is the most valuable literary award. The prize, which is awarded annually on the basis of recommendations from libraries around the world, is sponsored by the municipal government of Dublin City. To be nominated, a book must have been published in English or in English translation during the previous year and an international panel of judges awards the prize to the book of highest literary quality (http://www.impacdublinaward.ie/awardfaq.htm).

[282] Todd, p. 71.

publishers as well as for booksellers. [283] To a certain extent, literary prizes dictate the publishing schedules of publishers; books that are believed to be Man Booker Prize candidates, for example, are rushed out to meet the April submission deadline.[284]

Generally, agents know what kinds of books are suitable for the different literary prizes and will alert publishers whenever they believe that they have a manuscript that could be a possible winner. The potential financial implications, of having an author short-listed for, or winning a prize, are substantial, for all parties involved, as Richard Todd explains:

> Winning one of these more significant prizes not only brings the novelists a cash windfall: it can exercise spectacular effects on sales figures. On several occasions [...] a big win has catapulted hitherto less well-known or even unknown writers to fame, enabling them to devote their careers to writing full-time. This, coupled with shrewd business sense on the part of a publisher and/or agent, can empower writers to achieve a global profile that would otherwise have been out of their reach.[285]

The Man Booker Prize is by far the most influential literary prize in the U.K., partly because of its size, but perhaps more so because of the high media profile of the judging process and the award ceremony. Every year, the broadsheet newspapers dedicate a great

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[283] The publicity value to the Man Booker Prize's original sponsor, a sugar production and engineering company, or the current sponsor, the Man Group, a highly specialised financial services company, remains questionable.

[284] Anonymous, 'Booker Prize bends the rules', *The Bookseller,* 18 February 2000 <http://www.thebookseller.com/?did=4851&srq=bends%20the%20rules&sbr=1&dr=2004,01,13-1999,10,01&atl=> (accessed 24 October 2003). In 2000, the deadline was 1 April.

[285] Todd, p. 57.

deal of coverage to the prize; examining the long and the short-lists, interviewing judges or publishing articles written by judges as well as analysing the winner and commenting on the awards ceremony. Furthermore, the Man Booker Prize is the only literary prize which is covered live on national television, featuring a glamorous awards ceremony dinner attended by a host of celebrities from the world of literature. The positive impact on the sales figures of a Man Booker Prize winning novel varies from winner to winner, but is usually significant. *Life of Pi*, the winner in 2002, saw a spectacular rise in sales following the announcement of the prize; adding paperback sales of 380,000 and hardback sales of 150,000. A year after, the book was still on the best-seller lists.[286] Yann Martel, the author of *Life of Pi,* was virtually unknown prior to winning the Man Booker. Sales of Peter Carey's *The True History of the Kelly Gang*, winner of the prize in 2001, also increased, although not as much as that of Martel's book. According to *Publishing News,* the book had sold 70,000 in hardback and more than 200,000 in paperback nine months after the announcement.[287] Martel and Carey's examples illustrate the marketing value of the Man Booker Prize. Previously unknown authors can have their careers changed and established writers can attract new readers by winning, or even by just being short-listed for, the prize. Publishers chose which books are to be considered for the various prizes by submitting a fixed number of titles to the organisers. Agents will do what they can to persuade publishers that their authors should be considered for submission.

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[286] Liz Bury, 'Faber triumph completes indie hat trick', *The Bookseller,* 16 October 2003 <http://www.thebookseller.com/?did=9235&srq=yann martel&sbr=1&dr=2003,10,24-1999,10,01&atl=> (accessed 24 October 2003).

[287] Anonymous, 'Carey delivers early', *Publishing News,* 19 July 2002 <http://www.publishingnews.co.uk/pnarchive/display.asp?K=20020719_20030926_008&s_01=peter+and+carey+and+booker&pl=10&fields=default&sort=date%2Fd&sf_01=KEYWORD&stem=false&sf_03=type&sf_02=date&m=5&dc=5> (accessed 26 October 2003).

New subsidiary rights and the literary agent[288]

Forces outside publishing and bookselling also helped reshape the role of the literary agent. The rise of television and film, for example, was important in the legitimisation of agents. The complexity of negotiating contracts in new media industries called for specialists; it was far too difficult for most authors to do on their own and publishers did not normally get involved in this part of copyright exploitation. Even the usually agent-hostile publisher Sir Stanley Unwin recognised the agent's contribution in this area:

> With the advent of new 'rights' of many kinds, the management of literary property has become a much more complicated and technical business. This has greatly strengthened the agents' position and made their services of real value to some authors.[289]

In addition, the establishment of English as a world language and, more recently, the globalisation of the book market appear to have propelled the need for expertise in selling foreign and translation rights. Publishers have always argued that they are in a better position than agents to sell publishing related rights abroad because of their publishing networks. Agents disagree, arguing that there are often financial benefits for the author if the agent is in charge of subsidiary rights. Most agents subscribe to Carole Blake's view that 'publishers should sell books and agents should sell [all publishing and subsidiary]

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[288] A subsidiary right is a catchall phrase for all rights other than U.K. hardcover publishing rights. Paperback rights are an example of subsidiary rights. Thirty years ago, different publishers usually published hardcover and paperback versions of the same book. Today, hardcover and paperback versions are typically published by the same publisher, although often by different imprints. In addition to paperback rights and other English language rights such as American, Canadian and Australian rights, subsidiary rights include translation, large print, audio, serial, film, theatre, television, radio and electronic rights.
[289] Sir Stanley Unwin, *The Truth About Publishing,* 7th edn (London: George Allen & Unwin, Ltd, 1960), p. 292.

rights.'[290] The reason for this is the following: when an agent sells the world rights to a publisher or an author signs up directly with the publisher, the publisher acts as the author's agent in foreign markets and for other subsidiary rights. Any income from foreign markets will be subtracted from the author's advance even if the advance only relates to U.K. publishing rights; thus, the author will not receive any income until the advance is fully earned. However, if the agent negotiates translation rights, all income, minus the agent's commission, from those contracts will go directly to the author.

Subsidiary rights can potentially represent significant values and both parties will therefore argue that they are best qualified to handle them. In reality, authors are probably better off and indeed more likely to make these decisions on a case by case basis. Today, the label 'subsidiary' is misleading as these rights often can be more valuable than the U.K. book publishing rights. Indeed, the larger agencies such as Curtis Brown and PFD consider their multi-media expertise a significant competitive advantage and a necessity for any major author whose publishing needs go beyond that of traditional book publishing. Michael Sissons estimates that whereas the book/subsidiary rights revenue split was 80/20 in the mid-1960s, the ratio today is 40/40 with actors and performers representing the remaining 20%. The focus on multi-media, typical of the large agencies such as PFD and Curtis Brown, is not representative of the business as a whole. The vast majority of literary agents do not offer multi-media advice but would rather use sub-agents who specialise in translation, film, U.S. markets etc.

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[290] Blake p. 261.

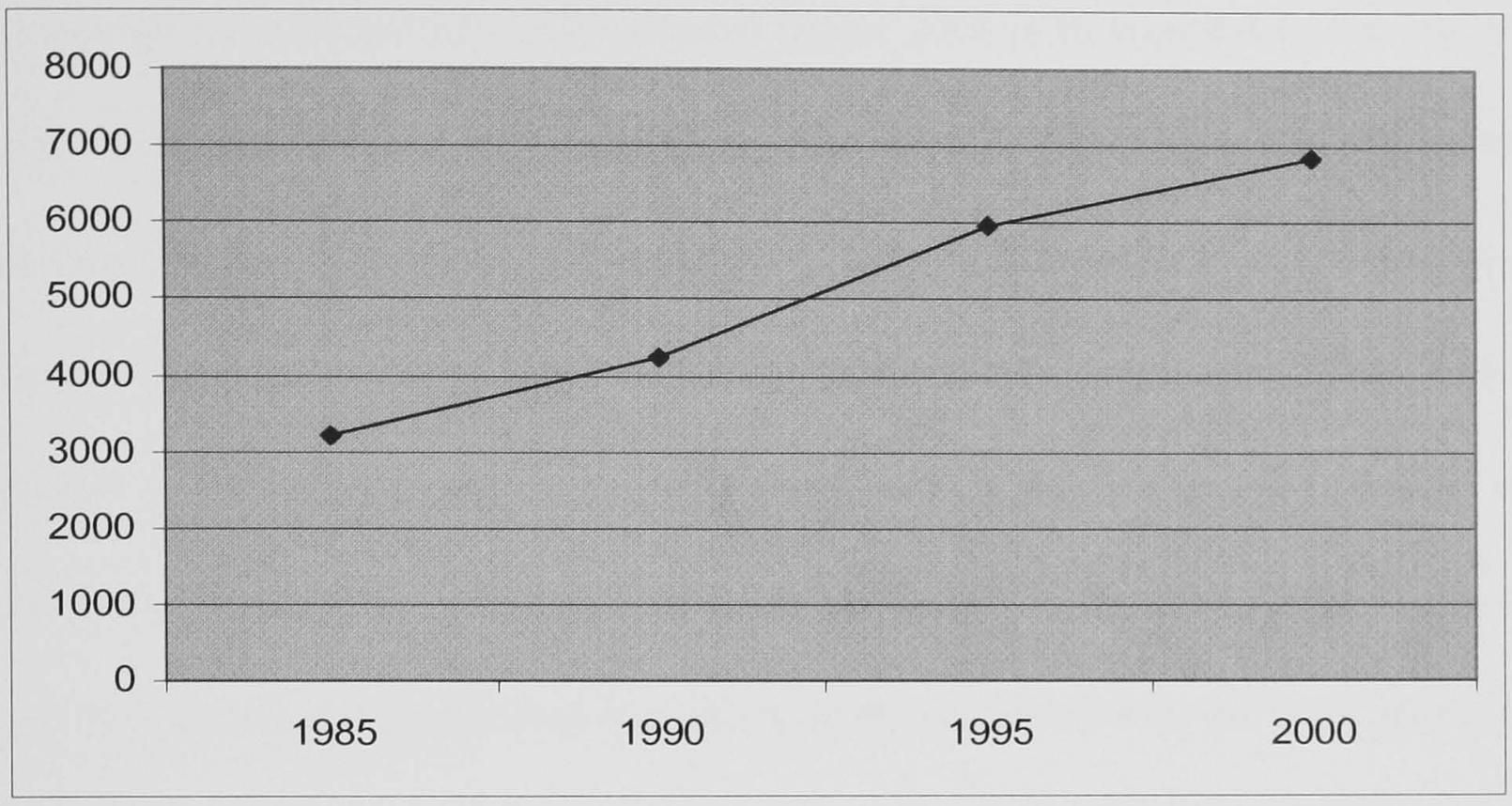
Agents usually prefer to sell rights on a market by market basis rather than give world rights to a U.K. publisher, although, occasionally, they will recommend that their clients sell all rights at the outset. This happens when the agent is unsure of the saleability of the manuscript in other markets or when the author would like to receive the compensation immediately. Obviously, publishers' views on these issues differ. Some argue that U.K. based agents are not equipped to negotiate deals in markets with which they do not have intimate knowledge and that the use of sub-agents, which is often done in foreign markets, is an inadequate substitute for someone close to the author and his or her work. Publishers argue that they are best placed to sell such rights as they have a better understanding and overview of foreign markets than a U.K. agent, particularly the smaller operations, and more vested interest in the author than a sub-agent. Again, the differing perspectives reflect both publishers' and agents' desire to maximise their share of potentially lucrative publishing contracts. The complexity of negotiating subsidiary rights, particularly non-publishing related rights has been – many believe – crucial in cementing the role of the agent. Whereas some authors felt comfortable negotiating with U.K. houses, very few felt capable of doing the same with film companies, television or radio broadcasters, or foreign publishers.

Increasing popularity of writing

Another trend, said to have helped grow demand for agent services, was the popularity of writing and the increasing number of writers. Although not all writers are, or indeed can be, members of the Society of Authors, the organisation's membership base gives some indication of the numbers of writers in the U.K. As figure 7 illustrates, the Society of

Author's membership numbers more than doubled between 1985 and 2000, from a little over 3,000 to almost 7,000.

Figure 7 - Society of Authors Membership Base 1985-2000



Source: The Society of Authors.

This increased interest in writing has been inspired by, among other things, well-publicised publishing successes, often in the form of huge advances being paid to best-selling authors and, in some cases, even to first-time or unknown authors. Aspiring authors have been encouraged by the examples of J.K. Rowling, Zadie Smith and Amy Jenkins or newspaper headlines such as ''First-time novelist gets £675,000 to give up the day job.'[291] This article tells the story of Steven Erikson, a forty year old car company executive, who, upon signing a nine book contract with Bantam Books, left his position to become a full-time writer.

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[291] Claire Garner, 'First-time novelist gets £675,000 to give up the day job', *Independent,* 13 October 1999, p. 10.

Writing has become a glamorous occupation and some authors have achieved fame as well as money as a result of their writing careers. J.K. Rowling and Salman Rushdie, for very different reasons, are examples of this phenomenon with media focus on their personal as much as their professional lives. This is in contrast to the literary world of the 1950s and 1960s as described by Diana Athill: 'Interviews and public appearances were rare, and only for people who were news in themselves [...] A novelist had to stab his wife, or something of that sort, to get attention on pages other than those devoted to books.'[292] But most significant of all is probably the fact that the process of writing itself has been made easier by the home computer. One agent, who focuses on commercial fiction, said that she had noticed an increase in the number of submissions over the last ten years and that she was convinced that home ownership of personal computers was a contributing factor.[293]

The fact that there are more writers has brought about an increase in demand for the services of an agent which, in turn, has contributed to the rise in the number of operations. The growing number of agents, combined with the media's newfound interest in them, appears to have increased awareness and respect. Inevitably, agents have become more influential.

As we have seen, conglomeratisation should be considered crucial in providing opportunities for agents; taking advantage of those opportunities was up to agents themselves. Whereas this and the previous chapter were concerned with how the publishing and bookselling industries shaped the role of literary agents, the next chapter

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[292] Diana Athill, *STET* (London: Granta Books, 2000), p. 142.
[293] Interview 28 January 2000.

focuses on how agents have influenced the publishing industry. Their contributions include professionalizing author proposals, taking a more active role in editing, tougher negotiating to increase advances, and staging auctions more frequently. This new approach, more commercial and aggressive, signalled the start of what we can describe as a 'new school' of agenting. The chapter seeks to demonstrate that the conglomeratisation process actually strengthened the position of both authors and agents.

Chapter V – Agent of Change - How the Agent has Influenced Publishing

The agent – the author's new best friend

Besides altering the power structure within the publishing houses and creating a flow of recruits to the literary agency business, cutbacks of editorial staff apparently had a more direct consequence on authors. As we saw in Chapter III, the traditionally close author-editor relationship was transformed as publishers were left with fewer editors who had less time for each individual author. Publishers as well as agents view this as the most significant change in the agent's role over the past couple of decades.

There are still authors who remain very close to their editors; some of whom would follow their editor from one publisher to another. The thriller writer Michael Ridpath, for example, moved with his editor from Random House to Michael Joseph. The biographer Michael Holroyd also followed his American editor when he went from Holt to Random House in the U.S. Some authors even have what is called a 'key person' clause in their publishing contracts, allowing them to terminate their contract should their editor leave. Tom Clancy and Patricia Cornwell reportedly had such clauses tied to their editor Phyllis Grann at Penguin Putnam in the U.S.[294] However, the vast majority of authors are not in such a position.

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[294] Michael Cader, 'Soft market spells hard times', *The Bookseller,* 23 November 2001, p. 11.

Best-selling authors appear to be given the most experienced editors, while mid-list authors are left with more junior or out-of-house freelance editors. There are numerous examples of authors being alienated from their editors because of high staff turnover and less time being dedicated to the editing process. 'The one thing a writer needs is continuity,' argues one publisher 'conglomeratisation has meant that a lot of people have moved and the continuity is no longer there.'[295] According to one author: 'It's very difficult to keep track of who does what; staff seems to stay very little time. If it takes two or three years to complete a book, I'm likely to have loads of names in my address book by the time the book is finished.'[296] The role of the editor frequently extended beyond editing; friendship and professional advice were equally valuable to the author. Recently, the author has come to look to the literary agent to fulfil this role. Today, it is a widely held view that the agent often represents the only stable professional relationship in a writer's career. As *The Bookseller* explains:

> …in an unstable environment where editors have not been guaranteed to stay in the same jobs for very long, authors have come to regard their agents, rather than their editors as their closest allies.[297]

Agents on the other hand rarely leave or move, and when they do, they often take their authors with them. The agency with which the agent is associated is often, although not always, of secondary importance to the author. First and foremost is the personal relationship between the author and the agent. As far as publishing companies are

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[295] Interview 4 October 2000.
[296] Alison Baverstock, 'What authors complain about', *The Bookseller,* 24 August 2001, p. 29.
[297] Anonymous, 'Agents: will middlemen become top dogs?', *The Bookseller,* 22 September 2000, p. 20.

concerned, the case is slightly different. For example, the publisher's list might be particularly suitable for the author which could make the author reluctant to leave should his or her editor move.

Agents seem to have taken advantage of the vacuum left by scaled down editorial departments, increased their involvement in the author's career and thereby strengthened their position in the eyes of both publishers and authors. Writing is said to be a lonely occupation and as editors became less accessible, agents moved in to fulfil the role of editor, sounding board and friend. In 1990, Hilary Rubinstein predicted this development as one of the inevitable results of the turmoil within the publishing industry.

> Staring into my murky crystal-ball, I see only one feature of the coming decade with crystal clarity: that – for better for worse – the literary agent will become an ever more important factor in the life and work of authors [...] Agents, in contrast [to publishers] are stable companions – like GPs or family solicitors.[298]

Greater expectation of professionalism

The first area in which agents instigated change was in professionalizing author proposals. Several agents pointed to what they described as 'a greater expectation of professionalism' in the industry as one of the noticeable changes over the past thirty

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[298] Hilary Rubinstein, 'A Spectator's Game?', *The Author,* Autumn 1990, p. 83.

years.[299] The heightened level of professionalism manifested itself in two ways: improved quality of author proposals and more diligent follow-up by agents.

The way in which a writer presents himself or herself when first approaching agents and publishers is apparently crucial; a badly-written cover letter or an untidy manuscript is very likely to dissuade both. Most agents are looking for committed talent with ambitions rather than the occasional 'hobby' writer and, often, this is easily perceived in their manner of presentation. Given the importance of the media in furthering an author's career, he or she has to have good presentation skills and be willing to go on marketing tours, book signings and, in some cases, appear on television and radio. Publishers agree that one of the most noticeable changes has been increasingly professional author proposals and attribute this to the agent's involvement.[300]

Not only did author proposals become more professional, so did the agent's involvement with the publishing houses. The large publishing conglomerates, usually comprising a dozen imprints and subject to committee-driven decision processes and high staff turnover, were far less transparent than the old independent publishing houses. Closely scrutinizing the publication process of a book was therefore fundamental to its success. The agent Gill Coleridge explains how agents are now more attentive in their monitoring of the publishers: 'The role of the agent has changed. I spend a much larger proportion of my time keeping an eye on how my authors are published. Publishing groups have

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[299] Interview 27 January 2000 and 28 January 2000.
[300] Interview 4 October 2000 and 22 September 2000.

become so large that books often become overlooked, squeezed or put to one side.'[301] Other agents reiterate this concern; because of the eighteen-month time lag involved in publishing a book, the editor who commissioned a book has sometimes changed job by the time the book is actually being published. The new editor does not necessarily share the enthusiasm for the work and will not automatically be credited with its success. The importance of an already agreed marketing budget becomes crucial in these cases as does close follow-up from the agent. The degree to which agents spend time on this part of their job varies, but a good agent will ensure the most effective publication of his or her authors' books.

Who does the editing?

Another change in the role of the agent over the past thirty years relates to the editorial aspect of the job. As publishers cut down editorial staff, freelance editors took over much of their responsibilities. At the same time, agents claimed they became more involved in editing, although publishers dispute this point. There is evidence supporting the idea that agents are more involved on the editing side than they used to be. First, editors are under increasing pressure to publish profitable books thus more time is spent acquiring books and devising marketing strategies and less time is left for editing. Second, agents know that the better the shape of the manuscript, the higher the chance of it being commissioned.

It is important to distinguish between the various types of editing and to define what kind of editing the agent gets involved with. Essentially, there are two types: structural editing

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[301] Christopher Gasson, 'End of an era for agents?', *The Bookseller,* 21 November 1997, p. 22.

and copy editing. Whereas the former addresses characters, plot and use of language, the latter is a close line by line editing process checking for spelling, grammar and consistency. Agents usually get involved in structural editing whereas the editorial department at the publishing house, or, increasingly, an outside freelance editor, carry out the copy-editing.

According to Mark Le Fanu, the use of freelance editors has become much more prevalent over the past decade.[302] Mike Petty of *The Bookseller* also argues that less and less editing is done by in-house staff. 'These days the [editorial] function is mostly outsourced, as the jargon has it, to a heroic army of freelances who may or may not have direct contact with the author but who still endeavour to produce clean typescripts devoid of errors of spelling, grammar, punctuation and artistry.'[303] Freelance editors are found through organisations such as The Society for Editors and Proofreaders (SfEP), a non-profit organisation 'with the twin aims of promoting high editorial standards and achieving recognition of the professional status of its members.'[304] There are also companies such as the Literary Consultancy which provides editorial services for a fee.[305] The majority of their clients contact the Literary Consultancy as a first stop before approaching agents or publishers. However, around 10% of the company's clients have

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[302] Interview 26 November 2001.
[303] Mike Petty, 'E is also for editing', *The Bookseller,* 2 February 2001, p. 24.
[304] SfEP, founded in 1989, had more than 1,100 members as of September 2003, including freelance editors as well as in-house editors from publishing companies. In March 2002, the SfEP altered its structure to include editors with fixed employment in addition to freelance editors. The move is an interesting reflection of the state of the editorial profession and illustrates the increasingly blurred line between in-house and freelance editors <http://www.sfep.org.uk/> (accessed 11 September 2003).
[305] The Literary Consultancy's founder Rebecca Swift felt there was a void in the market for editorial services, somewhere writers could go for honest advice before submitting their works to agents and publishers. Established in 1996, the company has twelve readers with backgrounds from publishing or academia. The Literary Consultancy's fees range from £50 for short stories to £150 for synopses and extracts of manuscripts of up to one hundred pages and £1.20 per page for a full manuscript (Interview 6 February 2002).

been referred by their agents. In addition to providing editorial services, the Literary Consultancy will recommend agents and publishers once the manuscript is ready for publication. The company has seen a fourfold increase in business since it started. Today, it receives around four hundred manuscripts a year, but very few are actually published; in its eight year history, only eight books have been published (this excludes self-publishing) although a number of short stories and poems have appeared in newspapers and magazines.[306] The fact that so many writers seek editorial advice, even before their manuscripts have been submitted to an agent or a publisher, tells us something about the publishing market's high expectations of manuscripts. Their low success rate indicates how difficult it is to get a manuscript published, but also appears to be a reflection of the role of the Literary Consultancy, whose main goal is not to produce best-selling authors, but to help people with an interest in writing achieve their personal goals, whatever they may be.

Besides the increased use of freelance editors, agents claim that they are more involved in structural editing than before while editors are less involved.[307] The amount of editing that an agent carries out has always varied from agency to agency, agent to agent and author to author. In the words of an agent from a one-person agency: 'Publishers used to have editors who would go off with the author for a week and spend all the time working through the document. According to industry people, this rarely happens anymore. Publishers expect manuscripts to come in decent shape.'[308] Particularly the younger

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[306] Interview 6 February 2002.
[307] Interviews 28 January 2000 and 23 March 2000.
[308] Interview 21 March 2000.

agents interviewed for this thesis emphasised the amount of editorial work they do.[309] In their view, if an agent wants to sell a manuscript aggressively it needs to be 90% finished before it is shown to publishers. An agent, from one of the largest agencies, who is mainly involved with young first-time authors, said that with the exception of one book, none of his authors' books had been edited by the publisher. Giles Gordon had seen this trend develop since he started as an agent: '…agents are doing increasingly [more editing] as publishers abrogate that fundamental responsibility without often realising they are doing so.'[310] The type of editing that agents do has more to do with structure and plot than detailed page to page editing, explained Giles Gordon: 'The role of the agent is that of shaping something, changing structure, characters and style. He or she may work in great detail on one chapter for example, but would expect the author to do the rest themselves.'[311] Jonathan Lloyd, then President of the AAA, observed the same trend: 'The role of the agent has changed over the last ten years and, regardless of whether the commission charged is 15% or 10%, agents are dealing with a wider range of problems and a bigger workload, often including more editorial input than used to be necessary.'[312] Obviously, it is in agents' interest to create the perception that they provide extensive editorial support. The promise of close editing is an effective marketing tool vis-à-vis potential clients, particularly when publishers are rumoured to have fewer editors. Indeed, agents seem to use the dwindling number of editors as an argument that an agent has become a necessity for authors.

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[309] Interview 24 January 2000 and 28 January 2000.
[310] Giles Gordon, 'I can't Get an Agent!', *TA,* Spring 1987, p. 18.
[311] Interview 23 March 2000.
[312] Jonathan Lloyd, 'Double Agents', *The Author,* Winter 2001, p. 159.

What should be considered a significant development happened in September 2002, when Philippa Harrison, former chief executive and publisher of Little, Brown, joined the literary agency Ed Victor. Harrison's role, according to Victor, was strictly editorial: 'She will not represent authors, but will work with them on synopses and texts. She will also, "where appropriate", edit texts in collaboration with publishers.'[313] It was the first time a literary agency had hired a high profile publisher to assume the role of in-house editor. Harrison's appointment supports the view that agents are becoming increasingly involved in editing.

Publishers, on the other hand, claim they have seen little proof that agents do more editing. While they agree that editors have lost their status, they disagree with the popular notion that there are no editors around anymore and that the publishing houses de-prioritise editing.[314] A publisher from a medium-sized publishing house had the following comments about editing:

> I think it is too easy to say that there is no editing anymore. I think a lot of careful editing still goes on in a lot of houses. Cape still has very high standards in spite of being part of a large house. You cannot generalise. It is often said in the press, but there are so many differences from one house to another.[315]

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[313] Nicholas Clee, 'Harrison joins Ed Victor agency', *The Bookseller,* 26 September 2002 <http://www.thebookseller.com/?did=188&srq=nicholas%20clee&sbr=1&dr=2003,09,12-1999,10,01&atl=> (accessed 12 September 2003).
[314] Interviews 22 September 2000 and 4 October 2000.
[315] Interview 4 October 2000.

It is obvious that both publishers and agents would like to give the impression that they prioritise editing, it does after all have a significant impact on the quality of a book, but editing is time-consuming and costly, and usually not noticed unless it is done badly or not at all. It appears that the degree of editing varies a great deal, but few, agents as well as publishers, would admit to avoid this important part of publishing a book.

The four authors interviewed for this thesis do not provide a reliable statistical sample to make a judgement of whether publishers or agents are right about their role in editing.[316] However, their views give an insight into the editing process. What has emerged is that the responses vary a great deal. Two of the authors, both of whom are distinguished long-time authors relied largely on their editors for feedback. Both had very good experiences with editors at the publishing houses they were with. The agent of one of those authors focuses exclusively on the business aspects of the career while the other writers' agent also takes care of all correspondence and all speech requests. However, one of them believed that agents have changed the way they work, but mainly in their dealings with young and first-time authors. As the writer said: 'For new authors starting their careers [agents] do nurture them, but I have never had that kind of attention, I have been reasonably self-sufficient.'[317] This author thinks part of the explanation lies in the increasingly public nature of being a writer. Today the expectation is that writers appear at literary festivals, on radio and television programmes and on book-signing tours. In these cases, the author felt that agents can be useful in providing advice to inexperienced first-time writers. Of the two younger authors, one had an agent whose interests were

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[316] Interviews 29 September 2000, 3 December 2001, 3 May 2002 and 19 April 2002.
[317] Interview 29 September 2000.

primarily commercial. With the exception of some general feedback on the manuscript, very little editing was done before the manuscript arrived at the publisher. But, according to the author, even there, the editing was very general and he would have appreciated more detailed comments. The other young author had an agent who is very editorially orientated. He found his editor's comments of little help and relied almost exclusively on his agent's editing. What appears to be the case is that if the author's first stop - i.e., the agent - is a thorough editor, the author will tend to use the agent as the primary editor of the manuscript.

How has the greater agent involvement on the editorial side come about? First, the staff cuts discussed earlier resulted in fewer editors at the publishing houses with less time for editing. Thus, an editor is more likely to take on a manuscript whose quality is superior because of several rounds of editing by the agent. This is especially the case for a first novel. Second, the pressure on editors to publish an ever-increasing number of titles leaves even less time for editing. The disadvantage, as a couple of agents pointed out, is that the sometimes heavily-edited manuscript is not necessarily an accurate reflection of the author's abilities.[318] This may become apparent when the author submits subsequent manuscripts that may not have been subject to the same rigorous editing process. However, it is a widespread view amongst agents that a careful editing process is likely to increase dramatically the chances of a manuscript being accepted, and quite a few of them seem willing to spend a considerable amount of time working on the text with the author before submitting to an editor. An agent from a large agency focusing on commercial fiction said that: 'These days, editors expect to see a first novel in pretty

[318] Interviews 28 January 2000 and 21 March 2000.

good editorial shape [...] there is a subtle perception that a manuscript would be worth more if it is in better shape.'[319] This is particularly true for agents handling commercial fiction as well as agents working with first-time novelists. Sometimes the agent's editing process can go on for months, even years. This strategy – some people feel – can be risky, as the agent cannot be certain of publisher interest in the manuscript, even after thorough editing. Nevertheless, it is deemed worthwhile by quite a few agents. This development appears to be a natural consequence of an increasing number of agents coming from careers as editors whose interests and skills are mainly editorial. In 1987, Giles Gordon wrote that : 'When I crossed [...] from being an editor 14 years ago, relatively few London agents had been publishers, or even worked "in publishing". Today, perhaps the majority of agents have experience from publishing.' Gordon went on to suggest that the editorial function had become substantially that of an acquirer of books and authors rather than strictly 'an editor' of books.[320] However, as Hilary Rubinstein pointed out in 1990, the fact that agents were increasingly acting as quasi-editors represented risks:

> Many of us have been editors earlier in our careers and enjoy flexing these muscles, but we usurp the publisher's role at our peril; it is the publisher, after all, who has the responsibility to sell the finished product, and the agent is one stop removed from the demands of the market-place.[321]

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[319] Interview 28 January 2000.
[320] Giles Gordon, 'Agents and editors' *The Bookseller,* 4 September 1987, p. 1022.
[321] Hilary Rubinstein, 'A Spectator's Game?', *The Author,* Autumn 1990, p. 83.

The extent to which agents influence their author's writing is hard to quantify and differ from agent to agent. Michael Sissons, for instance, managing director of PFD, always sees PFD's role as 'primarily commercial, secondarily editorial', whereas most of the other agents interviewed said they like to be involved in the editing process.[322] Whether they actually do get involved is a different matter. Similarly, authors' attitudes to editing vary a great deal. Some authors, often the best-selling, feel sufficiently confident about their writing that they choose not to take editorial advice. Likewise, writers of literary fiction are often said to be less receptive to editorial feedback from their agents than writers of commercial fiction. Carole Blake takes a pragmatic view of editing in the book *From Pitch to Publication*; her views are likely to be representative of agents in the commercial fiction niche of the market.

> I am amazed that so many authors start the laborious and intensive work of writing a novel by basing their decision about the subject matter on a little more than a whim. Think how much of your time you could waste if you pick the wrong genre or subject, or set your novel in a geographical location that the trade believes just won't sell.[323]

These comments would probably take many readers of fiction by surprise. Most people have a romantic image of the process of fiction writing, envisaging it to grow out of an author's imagination alone. As Blake's remarks reveal, rather than limit their role to editorial comments on already existing manuscripts, agents sometimes advise the author

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[322] Michael Geare, 'Authors' Agents: 4 Michael Sissons', *The Author,* Winter 1992, p. 155.
[323] Blake, p. 4.

in choice of topic, genre and style. However, this approach is generally limited to commercial fiction and, to a certain extent, crime writing.

As far as non-fiction is concerned, it is evidently very common that the agent takes an active part in the creative process, often by suggesting topics for his or her clients. When I interviewed him, Giles Gordon was about to have a 'brain-storming' session with one of his clients, a political biographer, who was looking for new ideas.[324] Another agent, the owner of a one-person agency, said she had frequent conversations with her most prolific non-fiction writer, discussing potential topics for her next books.[325] After all, the agent is in closer contact with the publishing market than the author and has a better overview of which topics the market is receptive to.

Higher advances

The third area in which agents contributed to change was advances. As discussed in Chapter III, conglomerate publishers were in a better financial position than their independent predecessors. While small independent publishers were usually thinly capitalised and did not have sufficient resources to afford large up-front payments, the publishing groups had the financial flexibility to compete for attractive authors by offering them substantial advances. Authors and agents saw this as an opportunity to raise advances arguing that authors' pay had been eroded through reduced royalties. Thus, the trend for higher advances was the result of both publishers' ability and willingness to pay them as well as agents' and authors' persistence in negotiating them.

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[324] Interview 23 March 2000.
[325] Interview 21 March 2000.

While publishers often blame agents for the excessive advance levels seen in British publishing the last decades, agents argue that publishers themselves have contributed to the escalation. As one agent, with a focus on commercial fiction, observed: 'I do not believe agents have the power to force publishers to pay more than they are willing to. All an agent does is to invite publishers to compete with each other.' [326] Publishers – agents argue – are themselves responsible for over-bidding each other. Michael Sissons believes the high advance culture is directly related to the improved financial situation at the publishing houses rather than the greed of authors and agents: '…I feel that those to whom unprecedented amounts of development capital were available in a hitherto chronically undercapitalised industry are ultimately responsible for the way it was spent.'[327] Neither publishers nor agents are willing to take responsibility for spiralling advances. In fact, it looks as though both parties have contributed to the problem. As long as publishing is governed by market forces, few people believe that anything can be done to curtail advance levels. For the time being, the only constraint appears to be the financial strength of the publishing houses.

The nature of advances changed dramatically during the last decades of the 20th century; not only did they become larger, but their purpose also slightly changed. George Greenfield reflected on the traditional role of advances in his memoirs:

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[326] Interview 28 January 2000.
[327] Michael Sissons, 'The agents of change', *The Bookseller,* 6 December 1996, p. 27.

> In those remote days [late 1940s], when there was some sense as well as sensibility in the publishing trade, an advance offered to an author was indeed 'an advance on account of royalties'. It had two purposes; one was to help the author financially over the eighteen-month or longer period between the time his book was accepted and the moment when he began to earn royalties from the actual sales; the other was to give concrete evidence of the publisher's confidence in his purchase. [...] The advance was usually set at no more than three-quarters of the likely earnings, to allow a safety margin for error.[328]

As John St John explains: 'A typical advance in the early 1930s for a first novel would have been £25-£75. [...] By the end of the 1970s, the advance for a first novel had increased to £750...'[329] Today, advances, particularly the very large ones, go way beyond Greenfield's parameters and St John's amounts. In certain cases, they resemble an outright purchase of the book, similar to the situation in the days before royalties were instituted. One example is Jeffery Archer, whose last two publishing contracts involved a fixed fee rather than royalties. In 2000, Archer's publisher HarperCollins paid around £14 million pounds for the right to publish his next three books.[330] Under the agreement, Archer granted the publisher all rights for a limited term licence. Stephen King is rumoured to have signed a similar contract involving three books worth £30 million in what is said to be the most valuable literary contract in history.[331] Archer's agreement, the first of its kind in British publishing, is highly unlikely to become widespread in the

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[328] George Greenfield, *A Smattering of Monsters* (London: Little, Brown and Company, 1995) pp. 81-82.
[329] John St John, *William Heinemann: A Century of Publishing 1890-1990* (London: Heinemann, 1990), p. 533.
[330] Anonymous, 'Archer deal due', *The Bookseller,* 10 March 2000, p. 5.
[331] Colin Blackstock, 'Stephen King tests the Internet with his latest tale of horror', *Guardian,* 9 March, 2000 <http://books.guardian.co.uk/departments/generalfiction/story/0,6000,144847,00.html> (accessed 14 January 2004).

near future, except perhaps for a handful of commercially very successful authors. At the other extreme are authors like Roald Dahl who, in the late 1960s, agreed with his publisher Allen & Unwin to forgo the advance in exchange for a fifty percent share of the profits on his books. All expenses had been covered before Dahl received any money but the author, whose previous books had made him a wealthy man, did not need the up-front payment and was confident that his books would be profitable. As Dahl's biographer explained: '…the gamble paid off.'[332] As in Archer's case, this kind of arrangement is unusual and only available to authors whose success is such that publishers are desperate to sign them on.

High advances also signified a more fundamental shift in risk-sharing between author and publisher. In the case of a very large advance, the risk of the book being a failure was no longer shared between the two parties, but rather rested solely with the publisher. Nevertheless, publishers often knowingly paid advances in excess of expected royalties. Advances were considered as a means of acquiring desirable authors with high publicity value and future revenue potential from other book contracts, film tie-ins and, in some cases, a valuable back list. Thus, from the publisher's perspective, more was involved than the book on offer and therefore more money could be paid. Carole Blake argued that a large advance would do more than just acquire a desirable author.

> Large figures paid for novels as the result of auctions between several publishers are similar to transfer fees paid for footballers: not always related to their expected earnings, but worth the expenditure to the

[332] Jeremy Treglown, *Roald Dahl: a biography* (London: Faber and Faber, 1995), pp. 178-179.

> publisher for the publicity value. A high advance paid to one author can attract other authors to the publishing house.[333]

While advances, primarily those to best-selling authors, went up, royalties went down. In fact, royalties have decreased ever since the beginning of the last century when they first became standard. As John St John points out: 'On the whole, rates of royalties were then [early 1900s] higher than they are today. Some new authors might receive 10 per cent, but the commonest rate was probably 15 per cent; 20 per cent and even 25 per cent were by no means unknown.'[334] By the 1950s and 1960s royalty levels had gone down as George Greenfield explains: 'Royalties for new or not yet successful authors were fairly standard, most often 10 per cent of the published prices on the first 3,000 copies sold in the home market, 12 ½ per cent of the published prices on the next 3,000 copies sold and 15 per cent thereafter. The royalty on copies sold for export was usually a flat 10 per cent of the net amount received.'[335] As we saw in Chapter IV, since then, the basis for royalty calculations has not changed much, except on export sales where royalty percentages have gone down considerably. However, because of increasing levels of discounts the amounts of royalties received by authors have gone down, as figures 8 and 9 show.

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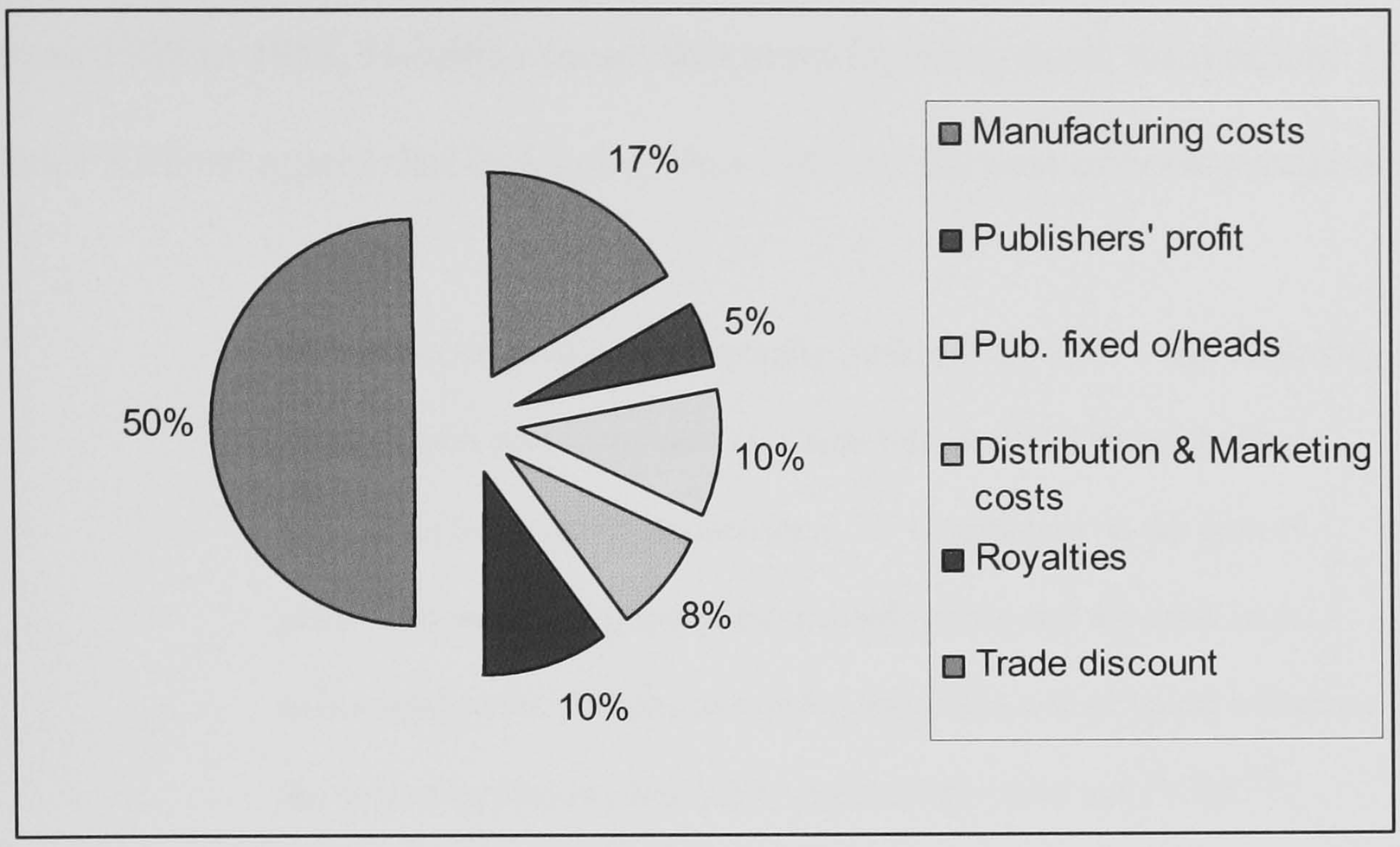
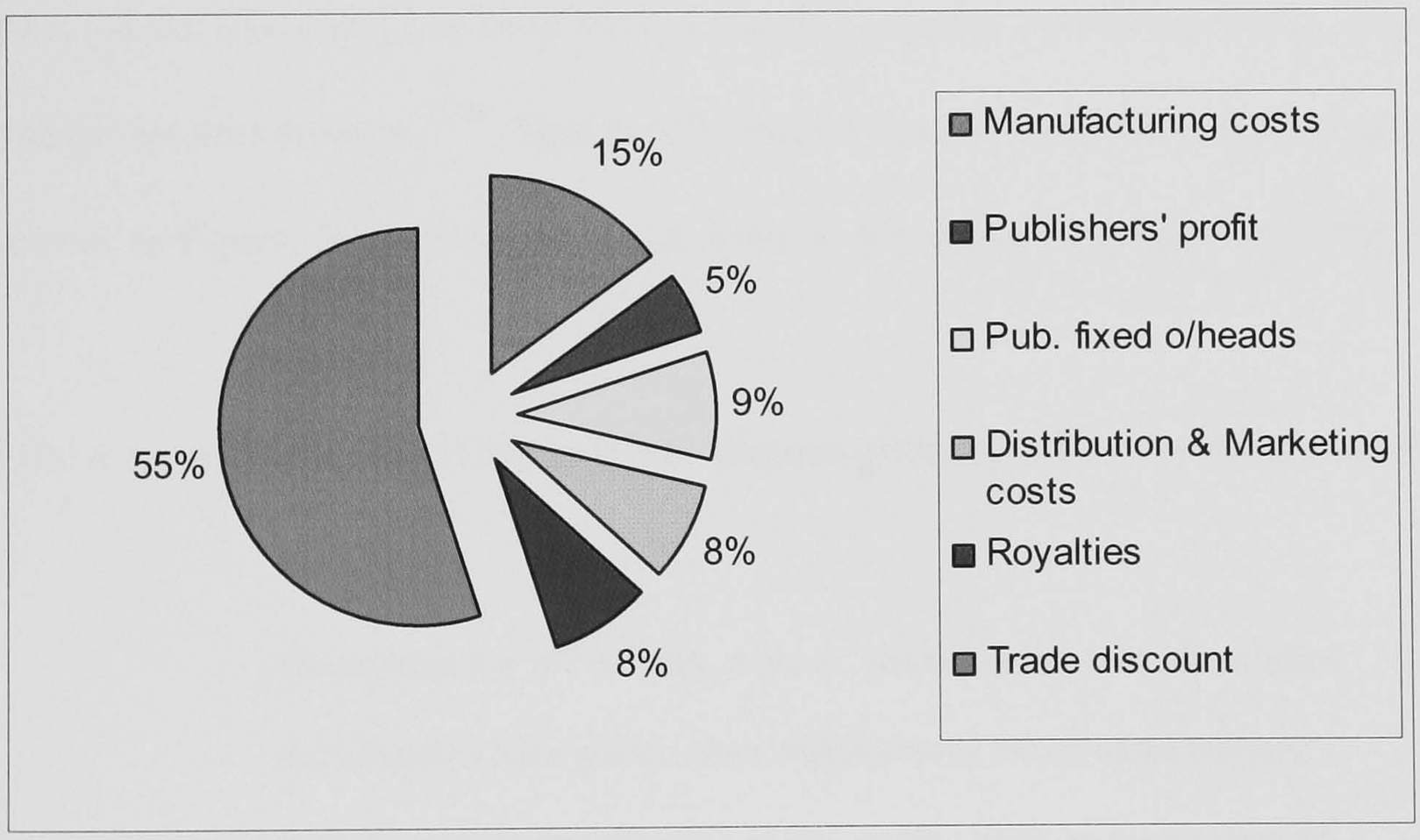
[333] Blake, p. 151.
[334] St John, p. 90.
[335] Greenfield, p. 81.

Figure 8 - Who Gets What? – Book Publishing Costs 1988



Source: *The Author*, Autumn 1988

Figure 9 - Who Gets What? - Book Publishing Costs 1998



Source: *The Author*, Autumn 1998

These charts, prepared by the publisher Headline, illustrate the cost components associated with publishing a book and are calculated based on a combination of hardback

and paperback books across a wide range of trade publishing.[336] Over a 10-year period from 1988 to 1998, Headline found that manufacturing costs went down. In *The Author,* Peter Kilborn agrees that technology has lowered the cost of book production:

> The cost of origination – of actually 'making' the book – will frequently be the largest part of the cost on a new title, and will therefore play a key part in the acquisition decision [...] 'Origination' is the area of publishing where in recent years technology has had the most impact in lowering costs. Thanks to fierce competition and technical advances, the cost of typesetting has fallen spectacularly since the 1970s.[337]

Headline also found that trade and export discounts increased by 5%, some of which can be attributed to the abolition of the Net Book Agreement. According to *The Author:* 'the pain [of the discount] has been shared roughly equally between printers, paper mills, publishers and authors.'[338] This is reflected in the downward trend of royalty levels, which, as figures 8 and 9 show, went down to 8% from 10% between 1988 and 1998.

Like many other agents, Carole Blake blames growing advances on diminishing royalties.

> Throughout the 20th century, authors' royalty levels have diminished and advances have grown, thus making many brand-name authors' deals little more than flat fees in real terms. With no expectation of earn-out on advances, authors and agents have thrown more energy

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[336] Tim Hely Hutchinson, 'The Mathematics of Book Publishing', *The Author*, Autumn 1988, pp. 76-78 and 'New Maths, New Politics', *The Author,* Autumn 1998, pp. 97-100.
[337] Peter Kilborn, 'Production costs and the price of books', *The Author*, Summer 1994, p. 64.
[338] Tim Hely Hutchinson, 'New Maths, New Politics', *The Author*, Autumn 1998, p. 97.

into the negotiations of the advance, thus contributing to large unearned figures at all the big publishing houses. Publishers have contributed to this by continually diminishing the authors' royalty per sale, especially after the demise of the Net Book Agreement.[339]

It is, of course, difficult to prove Blake's point. One could argue the other way around: that, because of high advances publishers have been forced to reduce royalties.

The 1980s reportedly marked the turning point for advance payments, as a long-time publisher explained: 'Everything changed radically at the end of the 1980s when Andrew Wylie started to scoop up authors and take them out on the market.'[340] The sums involved are said to have redoubled, and the publicity surrounding the authors involved intensified. Many agents feel that the most aggressive period of what was called 'chequebook publishing' was the first five years of the 1990s, when several highly publicised transactions were signed.[341] Other agents disagree with the view that advances stabilized during the late 1990s and early 2000s, arguing that publishers were as desperate – and willing to pay – as ever to get best-selling authors on their lists.[342] The difference in opinions reflected the situation in different parts of the market. While agents representing established writers tended to subscribe to the former view, agents specialising in young first-time authors usually agreed with the latter.

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[339] Carole Blake, *The Book Trade in 2010*, Speech given at the conference 'The Book Trade in 2010', in 2000.
[340] Interview 4 October 2000.
[341] Interviews 20 January 2000 and 27 January 2000.
[342] Interviews 24 January 2000 and 28 January 2000.

The lesson from the early 1990s seems to have been that the cost of acquiring a well-known established writer from another publisher is hardly worth the often sizeable advance required, while a promising first-time author might be. An article from the *Independent* in 1994 reflected this view: ' "Advances are polarising madly at the moment" Serafina Clarke [U.K. literary agent] says. "They are either very high or very low, but there is also a marked increase in the number of high advances for first-time novelists." '[343] Three years later, matters had changed somewhat, as Georgina Capel explained in the article 'End of an era for agents?': 'An agent can still get large amounts of money up front, although it can be difficult with established authors. Publishers can look up the sales electronically and if they see less than 1,000 sales they think, "No thank you." '[344] Another established agent concurred with this view: 'To pay a huge transfer fee for an established writer is less clever than paying a lot of money for a young author who may be the new Nick Hornby.'[345]

One of the most pronounced trends around the late 1990s and early 2000s was the publishing of celebrity biographies, for which very large advances were paid. In June 2000, Victoria Beckham reportedly reached a £1.2 million agreement with Michael Joseph, while David Beckham signed a 'seven-figure sum' contract with Hodder the same year. In 2001, Robbie Williams signed with Ebury for £800,000 and Frank Skinner with Century for £750,000.[346] What appeared to be a risky strategy also had the potential to be very rewarding. One example reported by *The Bookseller* illustrated the point:

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[343] Peter Guttridge, 'Making improper advances', *The Independent,* 21 June 1994, p. 22 [CD-rom].
[344] Christopher Gasson, 'End of an era for agents?', *The Bookseller,* 21 November 1997, p. 21.
[345] Interview 27 January 2000.
[346] Danuta Kean, 'High stakes, huge risks', *The Bookseller,* 23 February 2001, p. 12; Liz Bury, '£800,000 for Robbie Williams', *The Bookseller,* 2 March 2001, p. 5.

'[Hodder] raised eyebrows when it paid a rumoured £1.25 million for two books by Manchester United manager Sir Alex Ferguson; but it broke even on the deal on sales of the hardback alone of the first book...'[347] Similarly, most of Victoria Beckham's large advance was earned back through the sale of the serial rights.[348] These kinds of books can generate substantial profits for the publisher. Another, perhaps not so obvious benefit is that they draw attention, particularly that of booksellers, to the publisher. As Peter Straus, then with Pan Macmillan, argued: 'Publishers need to have the big bestsellers that will drive other books into the shops.'[349]

Occasionally, these high profile projects do not succeed, as in the case of the television presenter Anthea Turner's memoirs *Fools Rush In,* published in October 2000 by Little, Brown. The publisher allegedly paid £400,000 for the book, which went on to sell only 10,000 copies.[350] But, as *The Bookseller* reported at the end of 2001; '...a surprisingly large percentage of these [celebrity] titles has worked, as a glance at the bestseller list demonstrates.'[351] Publishers claim that it is normally the medium sized advances that represent a problem: '...the most dangerous titles, in terms of making a return on investments, are those with advances in the £30,000 to £60,000 range.'[352]

Andrew Wylie argued that high advances are beneficial because they focus the attention of the publisher. His philosophy went as follows: '...if a publisher pays $6 million for

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[347] Kean, p. 12.
[348] Michael Doggart, 'Limber up for a Becks seller', *The Bookseller,* 29 August 2003, p. 8.
[349] Kean, p. 12.
[350] Jane Sullivan, 'Readers have last word on what's best', 19 March 2001 <http://www.theage.com.au/books/2001/03/19/FFXDV7I0HKC.html> (accessed 12 September 2003).
[351] Anonymous, Leader, '2001 – the year of the frontlist', *The Bookseller,* 21/28 December 2001, p. 23.
[352] Liz Bury, 'Books that rock the bottom', *The Bookseller,* 23 February 2001, p. 26.

something, they'll move heaven and earth to sell the book, and if the publisher pays $6,000, heaven and earth will have to move for the book to sell.'[353] Of course, focusing the attention of the publishers was not Wylie's, or indeed other agents', only aim. Maximising the income of his author and indirectly himself was also clearly a motivating factor. Nearly a century ago, the author H.G. Wells had a similar approach to advances: 'Always get a big advance; it makes the publisher sweat for his money.'[354] Many agents agree with H.G. Wells's and Wylie's theory, pointing out that one of their main challenges is to get the attention of the marketing and sales people in a very crowded market place.[355]

> We had an auction last year for a thriller which sold for a great deal of money. As a result of the kind of money that has been spent on it, the promotion has been huge, the sales have been superb. It's almost a self-fulfilling prophecy. The majority of books get no marketing spend at all.[356]

Even publishers tend to agree; having spent a large sum of money to acquire a book, the commissioning editor is usually anxious for the book to succeed. In 2001, *The Bookseller* estimated that for an advance of £500,000 to be earned, a book needs to sell between three hundred thousand and five hundred thousand copies, equally split between hardback and paperback.[357] This equation will vary depending on the type of book, particularly in the case of non-fiction when serial rights are involved.

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[353] Maureen Freely, 'Agent provocateur', *Observer,* 12 November 1995, p. 16 [on CD-rom].
[354] Arthur Waugh, *A Hundred Years of Publishing* (London: Chapman & Hall, Ltd., 1930), p. 209.
[355] Interview 24 January 2000 and 27 March 2000 (1).
[356] Interview 27 March 2000 (1).
[357] Kean, p. 12.

The publishing industry has always been, and still is, a business where personalities, be it authors, agents or publishers, are in the centre of attention. Although the days of the autocratic independent publisher in the mould of Jonathan Cape, Billy Collins and William Heinemann are gone, there is still focus on the people involved in the process of commissioning books. *The Bookseller's* 'who-has-acquired-what' column 'First Report' is illustrative of how the commissioning process is personality, rather than just company, orientated. A typical note will read 'John Humphrys, broadcaster and presenter of Radio 4's "Today" programme, has done a two-book deal worth nearly a seven figure sum with Roland Philipps at Hodder' or 'Jon Wood at Hodder made a six-figure pre-emptive bid through Jonny Geller for Kevin Wignal's *People Die.*'[358] Similarly, the name of the agent will also often appear. A large advance confers status upon both the agent and the commissioning editor. Acquiring a famous author or a promising new talent frequently brings with it press coverage and publicity for the editor and publisher as well as the author and the agent. Occasionally, editors anxious to position themselves, particularly newly-hired ones, will go to great lengths in acquiring popular authors, sometimes paying – what many people consider – excessive amounts of money in the process. It is a widespread view in publishing that buying sought after manuscripts is part of building a list. As an agent working for a small agency pointed out, publishers are often willing to overpay for a well-publicised manuscript which will spearhead their list: '…not necessarily on the importance of that one book but because of the effect it has on the list and what happens in its wake.'[359]

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[358] Nicolette Jones, 'Daddy and devil's advocate', *The Bookseller,* 18 February 2000, p. 34; Nicolette Jones, 'King of the bouncy castle', *The Bookseller,* 24 March 2000, p. 32.
[359] Interview 27 March 2000 (1).

Agents, publishers and authors tend to be hesitant in sharing detailed information about the size of advances, and when they do it is generally the success stories that emerge. The 'First Report', which is based on conversations with agents and authors, gives some indication of advance levels, although it rarely reveals exact amounts. Evidently, there is also a lot of inaccurate reporting about advances in the publishing press. Sometimes figures are based on rumours or guesses, other times it is unclear whether the advance is for a one-book or multi-book transaction. Occasionally, a very large advance is made public as a way of creating publicity for the book and the author; a strategy – as we will see in Chapter VII – that can be highly risky. The relative failures of books such as Martin Amis's *The Information* and Amy Jenkins's *HoneyMoon*, for example, were widely covered in the press. First, because of their large advances and later because of their disappointing sales; this in turn reflected badly upon the author, the publisher and to a certain extent the agent. Patrick Janson-Smith, publisher at Transworld explains what went wrong with one of his company's expected best-sellers. *The Lazarus Child* was bought for £420,000, but went on to sell one hundred thousand copies, well below expectations.

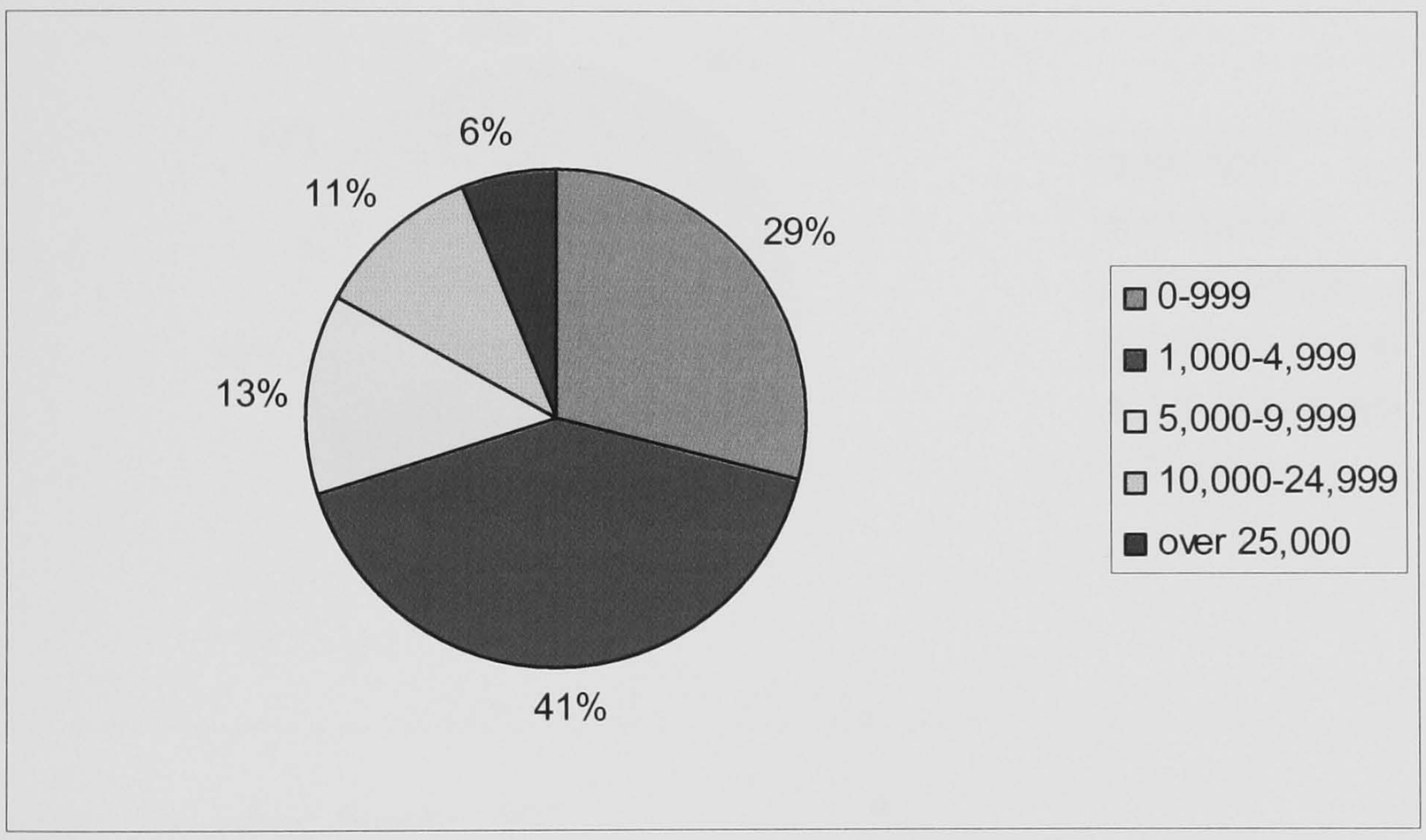
> I think one of the mistakes was to talk too much about the money - it was the advance that was reviewed instead of the book. We have learnt our lesson. When we bought *Towers of Silence* by Paul Scott at Frankfurt this year, the sums involved were not disclosed.[360]

In 2001, a typical advance for a first-time literary fiction novel was between £3,000 and £5,000. A more attractive manuscript was usually sold for something between £8,000

[360] Nicolette Jones, 'Great expectations', *The Bookseller,* 22/29 December 2000, p. 26.

and £10,000.[361] Although occasionally, as in the case of Zadie Smith's £250,000 advance, first-time novelists made advances well in excess of this range. Commercial novels fetch higher advances due to their generally larger sales. One agent from an 'old-school', medium sized agency said that a first-time commercial novelist would get an advance of at least £25,000[362], while Giles Gordon estimated that a first advance for a two-book deal for a promising commercial novel could be in the range of £100,000.[363] As figures 10 and 11 illustrate, very few authors receive the kind of advances reported in the daily newspapers.

Figure 10 - Advance Levels -% of Authors in Each Advance Range 1997



Source: *The Author,* Autumn 1997.

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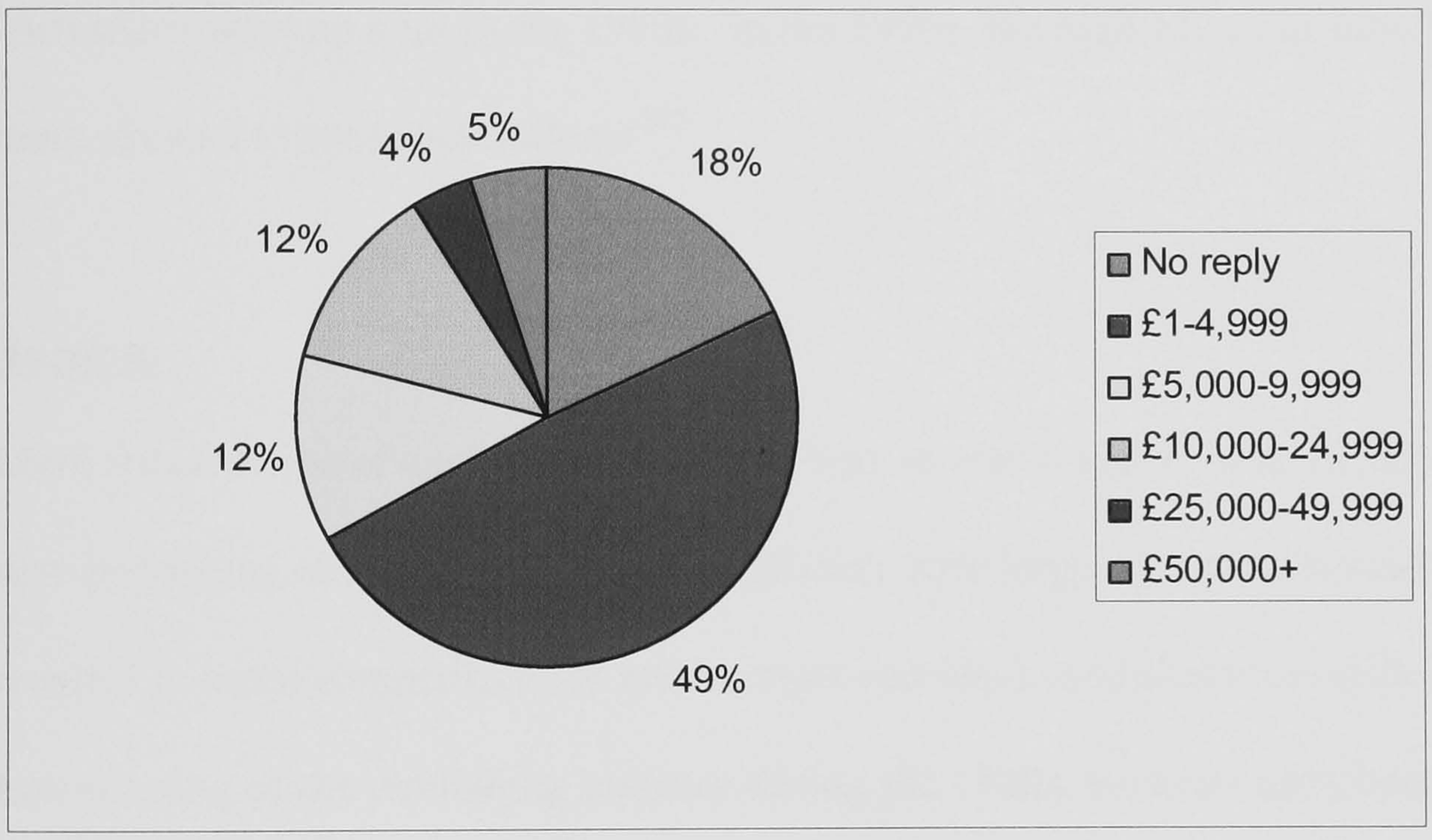
[361] Interviews 14 March 2000, 23 March 2000, 24 January 2000 and 21 March 2000.
[362] Interview 14 March 2000.
[363] Interview 23 March 2000.

The charts, based on a survey undertaken by *The Author* in 1997, show that the vast majority, or 70%, of authors earn less than £5,000 in advance.[364] Of the 6% receiving advances of more than £25,000, only a handful make amounts that attract media attention. *The Author* conducted a similar survey in 1999.[365] Although the surveys are not directly comparable because of differences in the way in which data was collected, they still reveal some interesting trends.[366]

Figure 11 - Advance Levels - % of Authors in Each Advance Range 1999



Source: *The Author,* Summer 2000.

[364] Michael Legat, 'Which publisher?', *The Author,* Autumn, 1997, pp. 96-101. For the first-time, The Society of Author's 1997 Publisher Survey asked authors questions about the size of their advances. The survey was based on responses from 1,049 of their members.
[365] Kate Pool, 'Love, not money', *The Author,* Summer 2000, pp. 58-66.
[366] While the first two advance ranges in the 1997 survey goes from £0-999 and £1,000-4,999, the 1999 survey starts at £1 and goes to £4,999. The 1999 survey has included a 'No reply' category which the 1997 survey does not have. For comparison purposes I have added the first two ranges in the 1997 survey and compared that with the first range and the 'No reply' category of the 1999 survey. This approach makes the assumption that a 'No reply' answer indicates an advance of less than £5,000 or nil, which might not be correct in all cases. It is not clear from the 1994 survey how the author has treated those cases in which respondents did not reply to the question about advances.

In the 1999 survey, the over £25,000 bracket has increased from 6% to 9%, confirming that the very high advances are on the increase. At the same time, there has been an increase in the £0-£5,000 range, from 65% to 67%, suggesting a widening disparity between the highest paid and the lowest paid authors. The other ranges have stayed more or less at the same levels. This trend was confirmed by the question *Have your advances or fees for broadly comparable works gone up or down in recent years?* 28% of respondents said they had been going up, 17% said they were going down while 45% said they had remained stable. Mark Le Fanu of the Society of Authors confirms this trend: 'Advances went up a lot in the 1980s. In the 1990s, the high advances have become more skewed towards bestsellers.'[367]

Auctions

More frequent use of auctions was another way in which agents took advantage of the new publishing environment. Fewer publishers with larger budgets are said to have resulted in more competition for manuscripts and ideal conditions for auctions. Since the restructuring of the publishing industry during the 1980s, auctions have become much more common as a way of maximising the price of a manuscript. However, as the agent Caradoc King explained, auctions did take place before that:

> The American literary agent Scott Meredith claimed to have started the publishing auction in the fifties. Before that, and in this country for some time after that, it was traditional to offer a book to publishers on an exclusive basis, and if the publishers wanted to buy it to negotiate

[367] Interview 26 November 2001.

a suitable advance and royalties. [...] Now the publishing auction is a regular weekly event. Publishers tend to be more anxious about not being included than about paying over the top for a book which if offered exclusively to one publisher might have cost half the price.[368]

Staging an auction can be a difficult and risky proposition and is definitively an area where the assistance of an agent is necessary. It is, according to Carole Blake, an area in which many conflicts between publishers and agents arise.

> Auctions can be minefields, even for agents. When I was President of the Association of Author's Agents, I received more complaints about agents from publishers on this subject than on any other. Some agents are nervous of auctions, and some have sometimes got themselves - and their authors - into muddles through improperly run auctions. It's no wonder that I strongly advise unagented authors to steer clear of trying to auction their own book.[369]

The agent has to be confident that there is sufficient interest in the manuscript before staging the auction. Often, the author's existing publisher is given the benefit of a 'floor price' above which competing publishers must bid. When the final price has been established, the existing publisher will decide whether or not it would like to top the winning price by an agreed margin, usually 10%. Another, more onerous variation is the blind bid process, by which publishers submit their bids without knowing what the other

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[368] Caradoc King, 'The Agent as Auctioneer', *The Author,* Summer 1995, p. 57.
[369] Carole Blake, *From Pitch to Publication: Everything You Need to Know to Get Your Novel Published* (London: Macmillan, 1999), p. 69.

bids are. This, according to King, is useful when only a few publishers take part in the bidding, but as he notes: 'Publishers dislike it because they are bidding blind, and the result can be very large differences in the size of the offers.'[370]

The increased use of auctions seemed to have signalled a more aggressive approach to manuscript sales. This was the result of the new competitive dynamics of the publishing market in which fewer but wealthier publishers pursued the good manuscripts. Ironically, fewer publishers meant more rather than less competition as Christopher Gasson of *The Bookseller* explained:

> In determining the prices paid by publishers in competitive auctions, the number of players in the market is not as important as how badly those players want to buy new authors or poach authors from other lists. Instability (i.e. mergers and demergers, hirings and firings) in publishing houses increases rather than decreases the need for publishers to acquire authors.[371]

Agents argue that auctions accelerate the sales process; rather than approaching one publisher at a time and waiting for each publisher to review the material, all the publishers in the auction will review the manuscript simultaneously. Perhaps more importantly, it also tends to increase the sales price. Agents know how to use the auction process as a means of pressurizing publishers, particularly those that are desperate to acquire the manuscript being auctioned. As the following piece of advice to authors

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[370] King, p. 58.
[371] Christopher Gasson, 'End of an era for agents?', *The Bookseller,* 21 November 1997, p. 22

illustrates: 'Do include publishers who may have recently lost authors and who might therefore be prepared to pay over the odds. Editors in new jobs often want to make impressions on their company by bidding high in auctions, and newly set-up companies might overspend to stock their list.'[372] The risk with this approach, Blake goes on to emphasise, is that of ending up with a publisher that the author does not particularly like. Depending on the kind of book that is being auctioned and the needs of the author, the agent and the author might have to be less pragmatic in their choice of publishers.

Unearned advances

The trend for larger advance payments had obvious benefits for those authors fortunate enough to receive them. But large advance payments had consequences besides enriching authors and their agents, and securing media attention. They also represented a potential financial problem for the publisher when they were not earned back through royalty payments. High levels of unearned advances were another consequence of the new publishing climate, exacerbated by agents' increasingly tough negotiation tactics and publishers' willingness and new-found ability to pay. The problem appeared to be industry-wide as the *The Author* reported after reviewing the report *Book Publishing in Britain 1999 (BPIB 1999)*:

> The figures [of the BPIB report] show that, over a four-year period, British trade publishers were systematically paying advances to authors which exceeded, by a substantial amount, the sums which would have been due under a royalty calculation. These payments

[372] Carole Blake, 'Sold to the Publisher with the Big Money', *The Author,* Winter 1987, p. 108.

were not exceptional aberrations caused by hopeless optimism in isolated cases; they were the result of the state of the market.[373]

Few of the agents interviewed for this thesis felt that unearned advances were a problem for the industry, although some strongly disagreed. Many agents felt that unearned advances represented a problem only to the extent they left the author in a difficult position when negotiating subsequent contracts. The majority of agents interviewed argued that unearned advances do not represent a problem for the publisher since a book can still make a profit while not fully recovering its advance. Their argument goes as follows: when calculating the price of a book, the publisher adds up all the costs associated with producing that book including the royalties due to the author and bookseller discounts. The price will be set somewhere above the total costs of the book in order for the publisher to make a profit. Thus, assuming the book is sold to the retailer at the expected discount level, the publisher will make a profit on each individual copy sold.

However, there is still the chance that the publisher will not be able to sell enough copies to generate royalties equal to the amount of the advance. It is possible for a publisher to cover the production costs and even to make a profit on the publication of a book, without generating enough revenues to cover the advance. If the advance is not earned it has to be accounted for separately. Usually, unearned advances are written off against (i.e. subtracted from) the publishers' equity at year-end. Unless profits, which are added

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[373] Michael Allen, 'Advances', *The Author,* Spring 2001, p. 18.

to the publisher's equity at year-end are larger than the unearned advance, long periods with high levels of unearned advances and write-offs will eventually deplete the publisher's capital reserves and lead to bankruptcy. On an aggregate basis, the sum of royalties received from all books published during a year will often cover the sum of all advances paid out during that same year. Sometimes publishers recover the advance over the longer term, either through back-list or other subsidiary sales. However, the trend for more and more very high advances increases the risk of a higher proportion of unearned advances and poses a long-term threat to the financial health of the publishing industry. From the interviews it appears as though many agents do not fully appreciate the financial impact of unearned advances. Several publishers expressed frustration at agents' unwillingness to take this problem seriously.[374] Obviously, it is in agents' interest to play down the significance of unearned advances, particularly as they are instrumental in maximizing advances.

An increasing number of observers, particularly amongst publishers, feel that unearned advances are becoming a serious challenge for the publishing industry. Schiffrin reported in *The Business of Books* that in 1997 Random House wrote off $80 million in unearned advances. Around the same time, HarperCollins made a similar write-off of $270 million.[375] *BPIB 1995,* published by *The Bookseller,* pointed out that 'one comparatively small publisher reported that only one in five advances was "earned" in the sense that it was exceeded by accrued royalties'. According to the same report, large publishers said that unearned advances represented between 8% and 10% of turnover.' If we add those

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[374] Interview 4 October 2000.
[375] Schiffrin, pp. 113-114.

8-10% to the average author royalty, which is about 8% to 10% of the cover price of the book, payments to authors equal up to 16%-20% of publishers' income. This, according to *The Author,* suggested that, on average, publishers pay authors advances that exceed expected royalties by 50%.[376] As *The Author* pointed out, this trend had – what some people might consider – a surprising effect on authors' average earnings:

> ....*BPIB 1995* demonstrated that on average, across all major British trade publishers, payments to authors of popular books were typically amounting to 35% of publishers' revenues. Since the publishers were receiving , on average, 50% of the retail price, this meant – believe it or not – that payments to authors were equivalent to a flat-rate royalty of some 17% or 18% of the published price.[377]

It is important to focus on the word 'average'. As *The Author* goes on to emphasise, the average is substantially pulled up by the very best-selling authors and is by no means representative of the 'average' author. However, the report does not provide details about what percentage of authors pulls the average up, which make it difficult to conclude whether high advance payments are distributed between a number of authors or only a handful of authors. The 1999 authors' earnings report in *The Author* sheds some light on the issue.[378] From those results, illustrated in figure 12, it transpired that very few writers are able to make a living as authors. Almost half, or 46% of all writers made less than £5,000 a year, around 50% made less than an employee on the national

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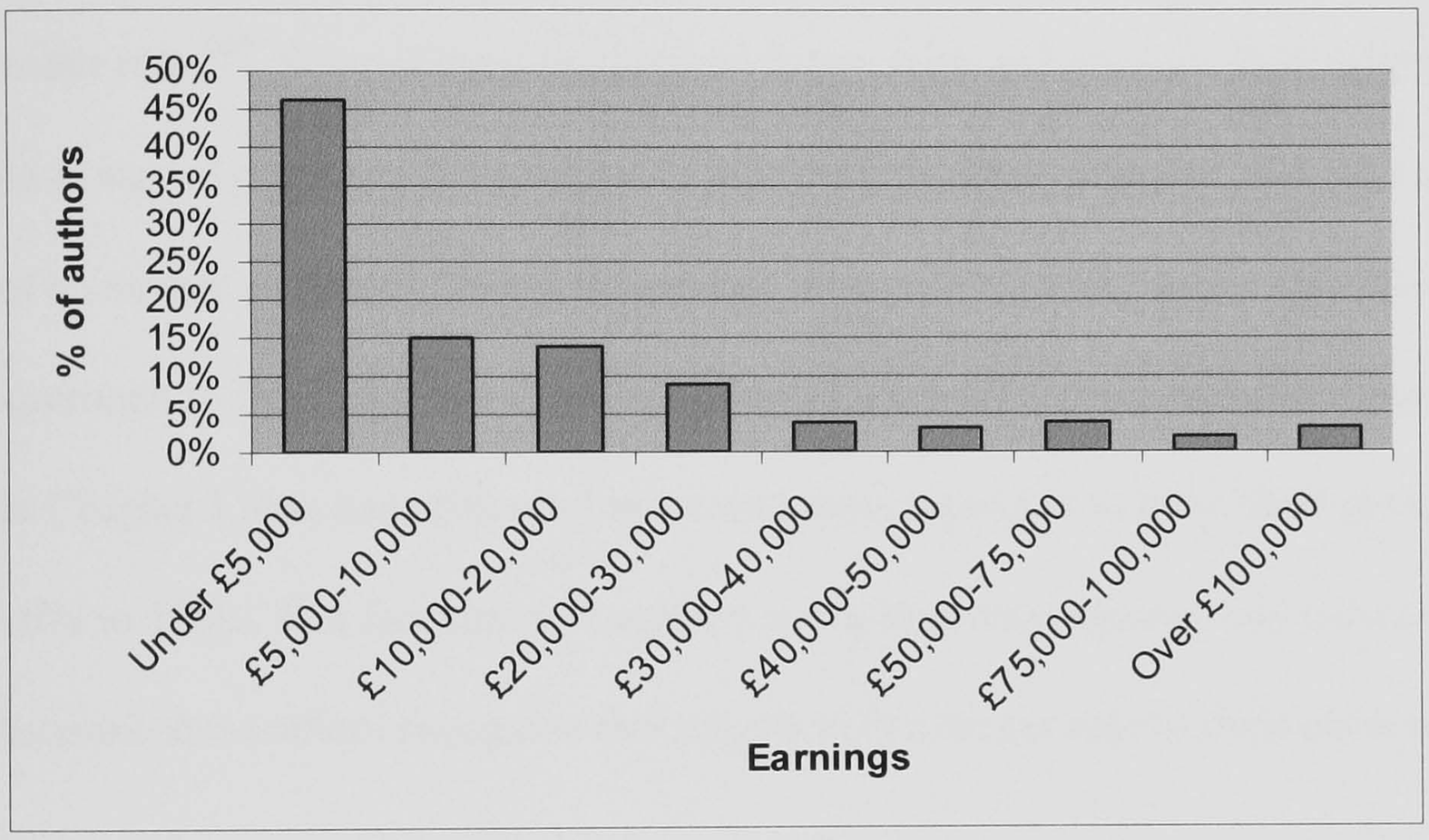
[376] Allen, p. 17
[377] Allen, p. 17.
[378] Kate Pool, 'Love, not money', *The Author,* Summer 2000, pp. 58-66. The 1999 author earnings survey was based on replies from 1,711 of the Society of Authors' members, which is equal to about 25% of their membership base.

minimum wage, while 75% made less than the national average of £20,000.[379] Although this report made for depressing reading, especially for authors, it should be kept in mind that many writers have full time positions in academia, public or private sector and choose writing as a side occupation. Many of these authors never intended their writing related earnings to fully support them.

Figure 12 - Author Earnings 1999



Source: *The Author,* Summer 2000

If the trends for decreasing royalty levels and increasing unearned advance levels are compared, they seem to support agents' claims that advances have gone up to compensate for lower royalty earnings. However, they also suggest that the escalation in advance payments has mainly benefited best-selling authors and that the disparity between authors at the top and bottom of the pay scale has widened.

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[379] John Ezard, 'Only one author in seven can afford to live on their writing, survey shows', *Guardian,* 22 June 2000 <http://guardian.co.uk/uk_news/story/0,3604,334924,00.htm> (accessed 14 January 2004).

A 'new school' of agents

It appears as though a restructuring – similar to that of the bookselling and publishing industries – is taking place in the agency business. Just as 'old school' agents could be described as the product of 'old school' publishing, the new breed of agents seems to be the result of the new publishing environment. Whereas before, in the words of Giles Gordon: 'Agents were simply there for authors who wanted their contracts dealt with and perhaps to get a little bit of more money but not much', agents today often take on a wider role.[380] Several long-established firms, such as Laurence Pollinger and A.M. Heath have stayed close to the traditional agent role, focusing primarily on the business aspect of an author's career. Others have taken what one might describe as a more holistic approach to their clients by looking after all aspects of their authors' careers. As we saw in Chapter I, this has prompted more and more agencies to raise their commissions from 10% to 15%. The fact that few authors seem to protest against this increase is perhaps on account that authors recognise that agents play a larger role in their careers.

But the difference between 'new' and 'old school' agents extends beyond approach; it also has to do with style and attitude.

> Once upon a time, agenting was very clubby and insular. All that changed when a new breed emerged, championed by Ed Victor, an American educated at Cambridge, whose thirst for literature equalled his thirst for getting big deals. Victor's philosophy was always that he owed it to his clients to get them as much money as possible...[381]

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[380] Interview 23 March 2000.
[381] Janine di Giovanni, 'Poached, lunched and published', *The Times*, 8 December 1997, p. 16.

The style is – as some industry commentators have characterised it – more aggressive, perhaps less gentlemanly and certainly more commercial. Whereas Wylie targeted literary authors, Victor's approach was to focus on celebrities that write. This is how *The Author* described the latter's strategy: 'Ed Victor [...] does not look at his slushpile. [...] He is not going to find unknowns with literary talent. He finds people who have another kind of marketing value. They are already a person on the scene when he takes them on. He sells celebrity and authors, more than selling the manuscript.'[382]

The trend towards career management, whereby agents take an interest in all aspects of their clients' affairs, originated in America and follows developments in the sporting and performance worlds. One author gave the example of an American agent who takes charge of all aspects of her clients' affairs, but has only two of them.[383] Admittedly, her clients are very famous and prolific writers who generate a great deal of media attention and many requests for public appearances. However, this gives an indication of what agenting, particularly for best-selling authors, may develop into in the not so distant future. As D.J. Taylor of the *Independent* explains:

> In the old days, a primary producer (the author) conveyed his product by way of the agent to the secondary producer (the publisher) who sold it via the distributor (the bookseller). Now, the agent is increasingly the secondary producer, creating and finessing the product, which he

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[382] Christopher Gasson, 'Agents', *The Author,* Autumn 2000, pp. 111-112.
[383] Interview 19 April 2002.

> then allows the publishers to market – rather like an independent Hollywood producer licensing this work to a major studio.[384]

During the early 2000s, some of the large traditional agencies adopted a 'new school' style, following a generation shift among their employees and, in two cases, new ownership. In November 2001, the agency PFD was acquired by CSS Stellar, a sports and entertainment management and marketing group. According to *The Bookseller:* 'A desire among senior agents to realise their shares and to increase the stakeholding among the company's next generation of staff had driven the move.'[385] A similar generation shift took place in January 2002 at Curtis Brown, when five of their senior agents completed a management buy-out from nine retiring agents.[386] The fact that PFD was bought by a company involved in sports and entertainment management might be indicative of where the literary agency business is heading. Although PFD was an unusual literary agency in that it already had a significant number of non-author clients before the merger, the union between CSS Stellar and PFD marked a new trend in the business. There appeared to be parallels between the merger and companies such as International Management Group (IMG).[387] IMG, founded in 1960 by Mark McCormack, is the world's largest 'sports and lifestyle marketing and management company'. It represents athletes, broadcasters, models, classical musicians, authors and

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[384] D.J. Taylor, 'Every author's new best friend', *Independent on Sunday,* 21 November 1999, Culture Section, p. 1.
[385] Liz Bury, 'PFD acquired by media group', *The Bookseller,* 30 November, 2001, p. 8.
[386] Sathnam Sanghera, 'Making advances', *The Business FT Weekend Magazine,* 16 March 2002, p. 18.
[387] IMG was founded in 1960 by Mark McCormack, known as the founder of the sports marketing industry. As of September 2003, the company, based in Cleveland, U.S. had almost three thousand employees in eighty-five offices in thirty-three different countries around the world <http://www.imgworld.com/chairmansletter/default.htm> (accessed 16 September 2003).

newsmakers.[388] CSS Stellar, founded by two former McCormack employees, is based on a similar business idea.[389] Before the merger with PFD, CSS Stellar's business divisions included personality management, entertainment, television, event services, sponsorship and branching and design.[390] By adding a literary agency with a strong multi-media presence, CSS Stellar expanded its portfolio of services. The publishing potential of a sports and entertainment management company's existing client base could potentially be substantial as the American agent Arthur M. Klebanoff explains:

> Their [IMG's] stellar client base could refer book projects, their licensing and corporate sponsorship activities could exploit promotional publishing, publishing could play a more important role with IMG's institutional client or major new representation opportunities…[391]

But realising those potentials proved difficult, as least in the case of Klebanoff and IMG. Judging by their clients advertised on their web-site, there is evidence of only limited success in acquiring prominent authors.[392] Klebanoff blamed the failure on IMG's senior management's unwillingness to acquire a prominent literary agency as a platform from which to build a literary client base.[393] This appears to be what CSS Stellar has done by merging with PFD. The William Morris Agency, an American company describing itself

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[388] <http://www.imgworld.com/chairmansletter/default.htm.> (accessed 16 September 2003).
[389] Brian O'Connor, 'Stars in their eyes as Stellar', *This is Money,* 23 November 2001 <http://www.thisismoney.com/20011123/nm40835.html> (accessed 2 December 2003).
[390] <http://www.hollis-pr.com/spons%20profiles/consultancies/CSS%20stellar.htm> (accessed 16 September 2003).
[391] Arthur M. Klebanoff, *The Agent: Personalities, Publishing and Politics,* (New York: TEXERE, 2002) p. 149. Klebanoff, joined IMG as a literary agent in 1990, but left only three years later to take over the reputable literary agency Scott Meredith. Klebanoff's book paints a very different picture of the literary agency business than do the many memoirs by British literary agents. His approach to agenting and exploitation of rights is extremely commercial.
[392] <http://www.imgworld.com/areasofbusiness/literary/default.htm> (accessed 16 September 2003).
[393] Klebanoff, p. 159.

as a diversified talent and literary agency, is another example of how the management of literary talent can be combined with that of other talents. Similar to IMG, the William Morris Agency represents clients in the film, theatre, television and music businesses in addition to authors and sports personalities.[394]

It remains to be seen how many agencies will follow in the footsteps of IMG, William Morris and PFD. What seems likely, however, is that more and more agencies will adapt the 'new school' approach to agenting. Despite the prevalence of women in the business, so far, men have pioneered 'new school' agenting. The potential for large financial rewards involved in agenting these days has possibly helped attract a higher proportion of men.

Agents in other businesses

It is not only in publishing that agents have suffered from an image of opportunism and lack of qualifications. In general, agents and middlemen of all kinds tend to be associated with someone whose contribution is limited but whose financial rewards are substantial. As we saw in Chapter II, this scepticism has historic roots. Writing about sports agents, Mel Stein, a prominent British sports agent, had the following, all too familiar, comment about agenting:

> It was Dave Nightingale writing in the United States for *The Sporting News* who cynically said, 'Want be an agent? Open your mouth and declare yourself one. You don't need an education [...] All you have to

[394] <http://www.wma.com/0/agency/overview/> (accessed 24 November 2003).

do is convince some professional athlete or would-be-pro that you can get a better deal for them from their employer than they could get for themselves. Voilà! You are member of one of the world's newest professions.'[395]

However, unlike literary agents, sports agents need a licence which among other things requires the agent to adhere to a code of professional conduct.[396] The increasingly visible role of agents in other businesses, such as the entertainment and sports industries, has contributed to the acceptance and popularity of the literary agent in publishing. Whereas some decades ago, having an agent in the sports or entertainment businesses was associated with – what many viewed as – unreasonable demands and greed, today, representation is increasingly seen as a sign of professionalism. As the financial stakes in publishing have increased, it has become evident to most people that writers, just like performers and sports personalities, need representation in business matters. Publicity surrounding sports and entertainment agents has raised awareness of their role and as a result, the role of agents has become more accepted. Just as the transformation of bookselling and publishing, the rise of the literary agent should be considered part of the process of restructuring of the publishing industry.

Has the agent commercialised literature?

At the start of the last century, one of the most common complaints against agents was that they would 'commercialise' literature. Before we evaluate whether or not this prediction has materialized, we need to understand what was meant by a

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[395] Mel Stein, *How to Succeed as a Sports Agent* (Harpenden: Pocket Essentials, 2002), p. 7.
[396] Stein, p. 9.

'commercialisation' of literature. Returning to Henry Holt's 1905 article in the *Atlantic Monthly* 'The Commercialization of Literature', we can examine his view of agents. As described in Chapter I, the idea that literature could be a commodity was foreign to late 19th century publishers.

> ...books are not bricks, and [...] the more they are treated as bricks, the more the tend to become like bricks, - the more authors seek publishers solely with reference to what they will pay in the day's market, the more publishers bid against one another as stockbrokers do, and the more they market their wares as the soulless articles of ordinary commerce are marketed, the more books tend to become soulless things.[397]

By 'commercialisation', Holt referred to the then relatively new trend of selling manuscripts to the highest bidding publisher. At the turn of the century, authors generally stayed loyal to their original publisher and accepted their offers for subsequent manuscripts. According to Holt, the literary agent changed that.

> Among the first things the literary agent set himself to do, in London at least, was to break down the old relation between authors and publishers, and to make the connection mainly a question of which publisher would bid highest.[398]

Today, this is reportedly the way publishing works. With the help of their agent, authors will seek to maximize bids for their manuscripts and sometimes, but not always, change

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[397] Henry Holt, 'The Commercialization of Literature', *The Atlantic Monthly,* 96, (November 1905), 577-600 (p. 578).
[398] Holt, p. 581.

to the highest bidding publisher. However, Holt's concept of a commercialisation of literature differs from that of the current debate. These days, commercialisation of literature refers to what is also described as a 'dumbing down' of literature, a lowering of the intellectual level of books. The name for 'dumbed down' literature – commercial fiction – reflects the fact that it is usually a profitable type of publishing. At the heart of the current debate is whether or not commercial fiction is increasingly dominating literature and being prioritized at the expense of high quality literature. The debate has become an ideological battle between those who fear publishing is becoming too commercial and those who believe that publishing has to be commercial to survive.

If we return to Holt's concept of commercialisation of literature it is evident that agents have contributed to the development of a commercial approach to books. They encourage competition in the acquisition process by submitting manuscripts to several publishers at the same time and by staging auctions. However, by taking part in the bidding process, publishers also participate in this process. The question is whether or not this kind of competition has been to the detriment of literature, as Holt argued it would be.

An increasing number of people in publishing are of the opinion that books have become more like any other commodity. The Publishers' Associations' famous argument that 'Books are not ordinary merchandise' fell apart with the abolition of the Net Book Agreement.[399] Today, books are sold as any other entertainment products such as CD's

[399] In connection with the debate around the Net Book Agreement, the Publishers' Association used the argument that books were not ordinary merchandise as a way of defending the practice of price fixing.

or videos. As we have seen earlier in this thesis, it is also evident that there is more focus on the pecuniary side of book publishing than used to be the case and it is generally acknowledged that agents have contributed to this. However, Holt's prediction that books would become 'soulless things' as a result of commercialisation is – many people would argue – debatable. This is where Holt's 'commercialisation' of literature merges with the contemporary debate on the 'commercialisation' of literature. The question is whether or not books have become commercial in content as a result of the focus on their commercial value. And whether or not publishers have been forced to commission more and more commercial fiction that sells well to finance the increasingly expensive commissioning process of other kinds of books. In 1978, John Sutherland explained this paradigm in *Fiction and the Fiction Industry*: 'The idea that the "good" novel is somehow parasitic on less good but more remunerative novels, and dependent on their wealth-generating profusion, is often expressed in the trade wisdom that best-sellers pay for art.'[400] The increasing focus on best-sellers as described in Chapter III, appears to support this notion. It is said that, from a financial standpoint, commercial literature has become more important to publishers than before, but there is little evidence to conclude that this has happened at the expense of other kinds of literature. The width and depth of contemporary bookshop selections seem to suggest otherwise.

As we have seen in this chapter, literary agents were instrumental in re-shaping their own business by taking advantage of the new operating environment which developed during the 1980s and 1990s. However, at the end of the 1990s, publishing entered a period of technological change which differed from the previous thirty years of corporate

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[400] J. A. Sutherland, *Fiction and the Fiction Industry* (London: The Athlone Press, 1978), p. xii.

restructuring. The advent of the Internet facilitated the flow of information between the various participants in the publishing market. Inventions such as electronic publishing (e-publishing), electronic books (e-books), print-on-demand and on-line rights trading pointed to a complete revolution in the industry.[401] However, the collapse of the Internet economy in 2001 totally changed most people's perception of what technology, particularly Internet related technology, could do for publishing. Many of the predictions made during the height of the on-line revolution now appear inflated by the over-optimistic atmosphere at the time. Nevertheless, the Internet and new technology have changed and, indeed, still are changing publishing, although perhaps not so drastically as many had expected. The following chapter starts by outlining what the new technologies consisted of; to what extent they had become integral parts of the publishing industry; and how they had affected the work of the agent as of the end of 2003. The constantly changing nature of technology and its applications dictate that much will have changed in three years or even in one year from now. In 1999, when work on this thesis was started, the situation was completely different from today; in the future it might be unrecognisable from the way it appeared in 2003.

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[401] E-books are books that are electronically formatted and published to be read on an e-book reader, a computer or a personal organiser. E-publishing is the business of producing, marketing and selling e-books, either directly to consumers or via on-line booksellers. Print-on-demand is a system by which books stored in digital format are printed and bound upon requests from publishers, booksellers or directly from consumers.

Chapter VI – Literary Agents and Technological Change

On-line rights trading

Of the new technologies that were introduced at the end of the 20th century, on-line rights trading was the only one that had the potential to directly affect the job of the literary agent. During the height of the on-line revolution, several Internet companies designed to create on-line literary market places were established. A number of different business models were tried out, with varying degrees of success. The underlying idea was that publishers and agents could save money and time by not having to photocopy and mail manuscripts to potential buyers. On the Internet, manuscripts would be available instantaneously at a marginal cost. A survey undertaken by an on-line rights trading web-site concluded that around $1,000 was spent on each title just on distribution. This calculation assumed that only one market was targeted.[402] As *The Bookseller* pointed out: 'The quantities of Jiffy bags in transit at the behest of the publishing business world-wide must run into millions on any given weekday; add in photocopying costs and transport, follow-up calls and the whole thing begins to make perfect sense.'[403]

A number of companies aiming to do more or less the same things were established, including Rightsworld.com, Subrights.com, Rights-online.com, Goodstory.com and Rightscenter.com. An all-year-round rights catalogue associated with the Frankfurt Bookfair was also set up although the original plans for this catalogue were later scaled

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[402] Mike Petty, 'The ether exchange', *Frankfurt Book Fair: Bookseller Supplement,* 15 September 2000, p. 11.
[403] Mike Petty, 'What e-revolution?', *Frankfurt Book Fair: Bookseller Supplement,* 15 September 2000, p. 15.

down. With the exception of Rightscenter.com and Rights-online.com, all the on-line rights trading companies had gone bankrupt by March 2002. However, although Rights-online.com, still existed as of March 2004, the site seemed to be inactive.

Rightscenter.com has a much more professional looking web-site than Rights-online.com and is considered by industry people to be the leader amongst on-line rights traders.[404] As *The Bookseller* predicted in September 2000, Rightscenter.com appears to have found a viable business model; 'Rightscenter.com, of the current players, has the most convincing, most mainstream operation, and seems most likely to survive…'[405] The company was established in October 1999 in California and has offices in New York, Los Angeles and London. Its aim was to establish a world-wide on-line rights trading market place where agents, publishers and literary scouts could meet to conduct business. The company describes itself as a rights market rather than a literary agency. It operates a secure extranet where agents can post material or samples of material that are for sale. Members exercise full control over who can gain access to their manuscripts. The web-site allows sellers to communicate with potential buyers without the hassle of distributing paper copies of manuscripts. Equally, it allows for instant contact with potential buyers world-wide, even those who are not associated with Rightscenter.com. Members can also conduct negotiations on-line by using the web-site's automated offer forms that tracks the rights you hold and have sold.[406] Rightscenter.com charges for its services once a manuscript is activated and submitted to potential buyers. The cost is $150 to

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[404] John Baker, 'Rightscenter.com Is Pulling Back', *Publishers Weekly,* 28 May 2001 <http://www.publishersweekly.reviewnews.com/index.asp?layout=article&articleid=CA84140> (accessed 7 October 2003).
[405] Petty, p. 16.
[406] <http://www.rightscenter.com/offer_exchange.html> (accessed 7 October 2003).

$250 for the first six months and a further $100 for the next six months.[407] The company received a major boost in January 2001 when HarperCollins announced that it would list a minimum of five hundred titles on the web-site that year, representing titles published by its U.S., U.K., Canadian and Australian operations. At that point, Rightscenter.com had eighty thousand registered members and thirty thousand titles.[408]

From the outset, on-line rights companies were met with scepticism amongst agents and publishers, some of it probably driven by Internet-illiteracy. Some agents simply did not want to get involved while others, such as Carole Blake, although enthusiastic about the idea, expressed fears that '…the ability to match the right author with the right publisher' and 'the relationships built up over many years, might somehow be compromised in the rather more sterile atmosphere of cyberspace.'[409] More cynical voices argued that it would never succeed because agents and publishers 'are never going to be willing to give up the bullshit-over-lunch that constitutes the real deal making.'[410] Furthermore, as *The Bookseller* wrote, getting a publisher excited about a manuscript is somehow more difficult when the communication takes place on the Internet.[411] Another problem likely to remain, at least in the short to medium-term, is on-line security. As seen in the music industry, as soon as a new safe format is invented, hackers will try to break the codes and usually succeed. However, some comfort can be had from the fact that music remains

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[407] Mike Petty, 'The ether exchange', *Frankfurt Book Fair: Bookseller Supplement,* 15 September 2000, p. 11.
[408] More recent information on Rightscenter's members than 2001 have proved impossible to obtain.
[409] Mike Petty, 'What e-revolution?, *Frankfurt Book Fair: Bookseller Supplement,* 15 September 2000, p. 15.
[410] Petty, p. 16.
[411] Petty, p. 16.

more attractive than books to most hackers, who are for the most part teenagers. Book manuscripts are unlikely to attract similar kind of interest from this group.

In September 2001, *The Bookseller* asked some publishers and agents to report on their experience with on-line rights trading. In general, they were sceptical of its usefulness. Lynette Owen, the rights director at Pearson Education argued that while on-line rights trading might offer advantages for small publishers with limited resources to handle rights buying and publishers who do not have time to visit book fairs, it was – in her view – unlikely to be attractive for a large publisher with an extensive list.

> First, they probably offer access for rights buyers through their own Website and have already built up an extensive network of contacts [...] Another factor is the work load in providing data for large number of titles [...] The question of how the rights status for each title listed would be updated is problematic – the situation can change from day to day...[412]

Owen pointed out another disadvantage with the system: it can be off-putting to potential buyers who are left with the task and cost of printing manuscripts. Several of the other agents and publishers writing in the article echoed Carole Blake's concern about personal contact:

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[412] Lynette Owen, 'Rights online: a failure?', *The Bookseller,* Frankfurt Book Fair Supplement, 14 September 2001, p. 15.

> I could not imagine auctioning a book using the Internet – partly because fair play and trust is essential in an auction, and this is something that can only be communicated through direct discussion.[413]

Jonathan Lloyd of Curtis Brown believed on-line rights trading could be beneficial to self-published or non-agented authors, but that agented authors would be better off using traditional sales channels. Nevertheless, for the time being, there appears to be business for one Internet rights trading company. Although, details of Rightscenter.com's financial performance are difficult to obtain, the fact that it still exists, despite the difficult conditions for Internet companies, suggests that at least some publishers and agents have found the rights market place of use. However, so far, on-line rights trading has not become the success some people in the business had expected.

The Internet and the literary agent as a middleman

To what extent does the Internet represent a threat to the role of middlemen such as agents? Middlemen usually owe their existence to an inadequate flow of information in a market place. A lack of transparency or the sheer size of a market can prevent buyers and sellers from finding each other. The solution is often a third person with extensive market knowledge and the ability to match buyer and seller. This is at the heart of the role of the literary agent, and indeed that of the real-estate agent, the travel agent and the stockbroker. The Internet has facilitated the flow of information in almost every market place and poses a potential threat to all middlemen. In the travel business, for example, more and more business takes place directly between buyers and sellers. Increasingly,

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[413] Owen, p. 17.

airlines sell tickets directly on the Internet and hotels take bookings on their own web-sites. In addition, Internet companies substituting the role of the travel agent have taken over significant parts of the travel agency business. The stockbroking business has seen developments in a similar direction.

We need to find out how the literary agent has fared in this new environment. As we have seen, on-line rights market places were designed to facilitate the flow of information between agents and publishers over the Internet. But the purpose of these web-sites was not to replace the agent, but rather to serve as a tool for agents. Goodstory.com, an Internet company matching authors and publishers directly by posting manuscripts on its web-site, was a different kind of venture. Although the founders said their intention was not to omit the literary agent, Goodstory.com appeared to be an attempt at creating an Internet literary agency. For a fee of $10-15, authors could post a synopsis of their manuscripts. Interested buyers would get in touch with the author over the web-site. The author could then decide whether or not to show the full manuscript to the potential buyer. Several industry people were sceptical at the time: 'It sounds like it will turn into a gigantic slush pile' said one agent.[414] Goodstory.com's concept did not succeed the way its founders had expected. In June 2000, only a few months after its launch, the company was bought by an entertainment industry Internet portal CreativePlanet.com.[415]

Unlike many other middlemen, such as travel agents and stockbrokers, the role of the literary agent, so far, appears to be unaffected by the Internet. In order to examine why

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[414] James Ledbetter, 'The web gets 10 percent', *The Industry Standard,* 25 October, 1999, pp. 145.
[415] Anonymous, 'L.A.-Based Creative Planet Acquires KPE's GoodStory Site', *VentureReporter.net,* 15 June 2000 <http://siliconalley.venturereporter.net/articles.asp?c=sar4815> (accessed 8 October 2003).

this is the case, it is useful to analyse why certain products and services are easier to sell over the Internet than others. Travel services are readily explained and are subject to a clear system of quality ranking that can easily be communicated electronically. Shares in companies require more investigation than travel services; however, qualitative information is usually available from financial institutions and the financial press. In addition, there are clearly defined market places for the sale of both travel services and shares. Book manuscripts are different in that their qualitative aspects are not easily described over the Internet. A potential buyer will most likely want to read the work in its entirety before making a decision. Furthermore, as we saw earlier, there is not a common market place or an established price for the sale of a manuscript. Instead, the price is subject to negotiations, usually carried out by the literary agent. As a result, manuscripts are not well-suited to be sold electronically.

If anything, the free flow of information provided by the Internet seems to have helped agents in their work. Information about the publishing industry, such as the financial situation of publishers, the state of the book market, sales figures, authors or even other agents, in the U.K. or abroad, is available to every agent instantaneously. Armed with this kind of knowledge, agents are more likely to negotiate effectively on behalf of their authors. In this respect, the Internet has been particularly advantageous to one-person agencies whose work situation, often at home and with few if any colleagues, dictates that they are far removed from the market. At the same time, the Internet appears to have empowered authors. The increased availability of information has made authors better educated about the situation in the publishing industry and made it easier for them to

judge the work of their agents and their publishers. In short, it looks as if the transparency offered by the Internet has increased the knowledge base and raised the level of sophistication of all publishing market participants and facilitated their decision-making processes.

Cyber squatting

The early days of the Internet presented a host of new issues for agents to handle. Cyber squatting, the practice of registering Internet domain names (or web-addresses) of famous authors with the intention of selling them later at a premium to the person of that name, was one of them. The most famous case in the U.K. was that of Mark Hogarth, a research fellow at Cambridge University, who in 2000 registered the domain names of around one hundred and thirty people, amongst them a number of famous British authors, including Martin Amis, Julian Barnes and Iain Banks.[416] As the importance of the Internet grew, the value of these web-addresses to both the authors and their publishers became potentially significant. Hogarth's plan was to sell the domain names back to the authors or their publishers for between 3% and 5% of the authors' gross annual sales.[417] As protectors of their clients' copyrights, agents got involved, but at the time, no legal framework existed to prosecute cyber squatters. Later in 2000, the author Jeanette Winterson pursued the case to the World Intellectual Property Organisation in Geneva which ruled that a domain name could be considered a trade mark and therefore belonged

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[416] Joseph Gallivan, 'Authors find Net names taken by the dot.com don', *Independent,* 14 March 2000, p. 5; Anonymous, 'Authors of their own fortune', *The Bookseller,* 4 May 2001 <http://www.thebookseller.com/?did=3987&srq=domain%20names&sbr=1&dr=2003,11,06-1999,10,01&atl=> (accessed 6 November 2003).

[417] Gallivan, p. 5.

to the person with that name.[418] The Society of Authors followed up on behalf of a number of their members and won on the same grounds.

Some authors felt that the potential value of a web-site was significant; it represented a unique and cost effective way for authors to market themselves. The expenses involved were limited to the small registration fee for the domain name as well as the design of the web-site itself. As Tom Porter, co-founder of Pedalo a web-site design company, argued in *The Bookseller*: 'Authors have niche, fanatical audiences that crave more information [...] The majority of Internet companies fail because of the cost of advertising but authors just need to put domain names in books, and the job is done.'[419] The extent to which authors and publishers have taken advantage of this marketing channel varies; Jeanette Winterson and Julian Barnes have built up extensive web-sites with opportunities to communicate via e-mail with the author, while Martin Amis and Iain Banks have no web-sites.[420] Internationally renowned authors – Stephen King, John le Carré and Ken Follett – amongst them, often have well-designed elaborate web-sites.[421] Some publishers, such as HarperCollins, Bloomsbury and Faber and Faber have web pages dedicated to each of their authors, featuring author interviews, links to book reviews, author profiles and lists of the authors' works.[422] Some industry people believe that web-sites have the potential to be powerful marketing tools and can help shape an author's public image. The opportunities for agents to influence image building and marketing strategies in this

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[418] Anonymous, 'Author of their own fortune'.
[419] Anonymous, 'Author of their own fortune'.
[420] <http://www.jeanettewinterson.com/>; <http://julianbarnes.com> (accessed 18 November 2003).
[421] <http://ken-follett.com/>; <http://stephenking.com/index_flash.php>; <http://johnlecarre.com/> (accessed 18 November).
[422] <http://www.harpercollins.co.uk/authors/authors.aspx>; <http://www.bloomsbury.com/authors/>; <http://www.faber.co.uk/authors.cgi?genre=0&subgenre=0> (accessed 17 November 2003).

medium are far-reaching, particularly in those cases where authors chose to be in charge of their own web-site rather than to rely on their publishers to handle it.

E- publishing

The invention of e-publishing raised other issues that required the intervention of the literary agent, particularly those relating to the sale of electronic rights and to the protection of copyright in cyberspace. Before we examine how agents addressed these questions, we need to understand the fundamentals of e-publishing and analyse how successful the commercial exploitation of this invention has been.

E-publishing in its most narrow form is dissemination of texts in digital format. However, as *The Bookseller* pointed out, e-publishing can be taken further to take 'advantage of the extra functionality implied by the new medium to create something fundamentally different from the book.'[423] This could include features such as hyperlinks to background information and audio and video clips supplementing the text. Although uncertainty still surrounds the final format of this type of publishing, it has already shown its potential in a couple of well-publicised examples.

Stephen King was the first well-known author to use the Internet as publishing medium when, in March 2000, he went on-line with the first instalment of his serialised novel *Riding the Bullet*. The novel could be downloaded for $2.50 per chapter from the publisher Simon & Schuster's web-site and was available only in electronic form. Technological limitations meant that payment had to be based on an honour system

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[423] Chris Lakeman Fraser, 'The e-book has landed', *The Bookseller,* 15 September 2000, p. 22.

whereby readers voluntarily paid the fee. King stated that he would only continue to write the novel as long as payment levels remained at a minimum of 75% of downloads. At first, the project was a success, with four hundred thousand downloads in the first two days after publication, but as novelty wore off, readers lost both interest and willingness to pay. King's second project, described by the author as 'Big Publishing's worst nightmare', came four months later when *The Plant* was published.[424] This time, King completely bypassed Simon & Schuster and published the novel on his own web-site while Amazon.com handled payments. However, *The Plant* attracted only forty-one thousand downloads during its first day rather than the five hundred thousand the author had hoped for. By chapter two of *The Plant,* payment levels had fallen to 70% while for chapter four it was down to only 46%. At this point King decided to halt the project.[425]

Although King's experiment did not succeed, it demonstrated the possibility of completely omitting the printer, and potentially the publisher, from the publishing process. However, King's experiment also showed that there are major obstacles left before this becomes a standard publishing method. First, a system for mandatory payment whereby unauthorised downloading and bootlegging are made impossible would have to be devised. Second, it is clear that this type of publishing is primarily attractive for authors of Stephen King's stature with millions of readers world-wide and whose books are practically self-promoting. Third, the fact that readers – presumably a high

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[424] Anonymous, 'Stephen King's venture – nightmare or daydream?', *The Bookseller,* 28 July 2000, p. 22.
[425] John Ezard, 'E-book sales a nightmare for author Stephen King', *Guardian,* 27 July 2000 <http://books.guardian.co.uk/news/articles/0,6109,347532,00.html> (accessed 1 October 2003); Colin Blackstock, 'Stephen King tests the Internet with his latest tale of horror', *Guardian,* 9 March 2000 <http://books.guardian.co.uk/departments/generalfiction/story/0,6000,144847.html> (accessed 1 October 2003); Keith Perry, 'Writer leaves online fans in suspense', *Guardian,* 30 November 2000 <http://www.guardian.co.uk/uk_news/story/0,3604,404729,00.html> (accessed 1 October 2003).

proportion of them being regular King readers – lost interest, might indicate that the format of the book was not user-friendly. The book could be downloaded to a computer, to an e-book reader or to a personal organiser. The computer screen or a personal organiser would probably not be the format of choice for most readers. Printing out a hard-copy of the manuscript was a possibility, but again not the most convenient or comfortable way of reading a novel. The remaining alternative, the e-book reader, was not widespread and represented an option for only a minority of readers.

The publisher Jason Epstein argued that the popularity of King's experiments, despite the lack of transmission media, in itself was an indication of the potential of digital publishing. '…the thousands of readers who have nevertheless responded to his experiment, despite today's rudimentary and sparsely distributed handheld devices, suggests the potential strength of the digital marketplace.'[426] Others argued that the choice of monthly instalments contributed to King's failure, as readers would lose interest in the story between each instalment. A couple of months after King's experiment, Frederick Forsyth launched a similar project with short stories. According to the *Guardian*, Forsyth believed short stories were a better suited format since they would be a 'one browse, one select, one decision, one pay, one download, one reading experience.'[427] However, Forsyth's project failed some months later.

This kind of publishing is likely to be commercially viable only for writers such as King and Forsyth who can afford to write without first receiving an advance, or for copyright

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[426] Jason Epstein, 'The Coming Revolution', *The New York Review of Books,* 2 November 2000, p. 4.
[427] Emma Yates, 'Forsyth joins the e-book revolution', *The Guardian Unlimited,* 2 November 2000 <http://books.guardian.co.uk/news/articles/0,6109,391834,00.html> (accessed 1 October 2003).

holders of valuable literary properties such as Chorion, the company which owns the rights to Agatha Christie's novels. In September 2003, HarperCollins's e-book imprint PerfectBound published the first of eighty-five works by Christie in e-book format.[428] According to the *Financial Times*, Chorion may be joined by other copyright holders: 'Copyright owners consider on-line publishing as an important commercial opportunity because it enables them to obtain higher margins in their sales by by-passing publishers and retailers.'[429] Mid-list and unknown writers, on the other hand, are not likely to be found by readers on the Internet and would probably need a collective distribution and marketing channel to find their audience. Even well-known authors would need sizeable marketing budgets to attract attention to their new books.

The alternative use of e-publishing was in the form of self-publishing. In 2001, it was predicted that self-publishing would become more common as authors turned down by publishers and agents would publish their material on-line. In the words of John Feldcamp, CEO of Xlibris[430], an on-line self-publisher: 'You have a 1 in 400 probability of publishing a first novel. We can make that 400 out of 400. It just doesn't have to die on the doorstep of a literary agent.'[431] But, being published this way does not necessarily guarantee success; indeed, it does not even guarantee a single reader. Even Xlibris's best-sellers sell 'only a couple of thousand units.'[432] Xlibris formats the manuscript,

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[428] Anonymous, 'Agatha Christie goes electronic', *Publishing News,* 19 September 2003 <http://www.publishingnews.co.uk/pnarchive/display.asp?K=20030919_20030926_014&st_01=electronic+publishing&pl=10&fields=default&sort=date%2Fd&sf_01=KEYWORD&stem=false&sf_03=type&sf> (accessed 7 October 2003).

[429] Guerra, 'Poirot delves into the electronic age', *Financial Times,* 11 September 2000, p. 27.

[430] Xlibris.com is in strategic partnership with Random House Ventures a subsidiary of Random House <http;//www.xlibris.com/about/index.asp> (accessed 3 October 2003).

[431] Michael Ybarra, 'Endangered Species', *Upside,* January 2001, p. 175.

[432] Ybarra, p. 175.

designs a cover, assigns an ISBN number and lists it on its web-site, all for free; Lighting Source, a print-on-demand publisher, prints and ships titles that are ordered.[433]

To many people, this type of venture raises questions about the quality of that which is published. With little or no quality filter, book lists of self-publishers will seem like digital slush piles. '…one soon gets the feeling that the slush pile is escaping from its natural confines and spreading all over cyberspace' is how one author summed up the impressions of what is published on-line.[434] Feldcamp, however, was more optimistic: 'It doesn't mean most books will make it big. Most books will fail. But it increases the

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[433] Print-on-demand technology can be used at different stages of the publishing process, consolidating functions that previously have been separate. As John Birkenshaw of *The Bookseller* explained, several combinations are possible: warehousing and production, publishing and production and retailing and production. So far, print-on-demand technology has been used as a supplement to traditional printing. It has mainly been in the form of off-site print-on-demand services rather than printing equipment in the actual bookshops. This type of service has increasingly been used by booksellers. The American company, Lightning Source, is an example of a company providing such a service. The company describes itself as 'a resource for publishers' rather than a publisher. Established in 1997, the company opened a U.K. subsidiary in the summer of 2001. As of September 2003, Lightning Source had over two hundred thousand titles available. It had printed some nine million books on-demand. Lightning Source targets three client groups; booksellers, publishers and libraries and promise a two day turnaround. So far, the company has been serving a limited part of the market. As Michael Ybarra explains: '… the 125,000 books zipping off the presses every month and onto delivery trucks aren't bestsellers. The average print run for a title is 1.6 copies […] The company will create a single copy of an out-of-print book, or three copies of your aunt's family history…' The initial assumption was that the application of print-on-demand technology would be primarily in the areas of low-volume, hard-to-find and out-of-print titles. However, evidence collected by Pira International, a consultancy business specialising in the publishing and printing industries, suggested there was market for a much wider use of the technology: 'A study by Pira International has revealed that the key book producers in the on-demand market in Germany, Holland, the U.S. and the U.K. are finding that the scope of application is much wider, and that a large proportion of their production (more than 50% in some cases) is now of frontlist titles.' Using print-on-demand to test the market for new titles before committing to large print-runs was another attractive application of the technology. This would help reduce the risk associated with publishing new books and, as *The Bookseller* writes,: '…it would enable them to reprint in smaller quantities and to hold and handle less inventory', thereby drastically cutting down on two of publishing's most costly items: remainders and inventory. John Birkenshaw, 'The Rise and Rise of Print-on-Demand', *The Bookseller,* 29 September 2001, p.15; <http://www.lighteningsource.com/> (accessed 7 October 2003); Andrew Stone, 'Lightening Source comes to UK', *The Bookseller,* 28 July 2000, p. 5; Ybarra, Michael, 'Endangered Species', *Upside,* January 2001, p. 173.

[434] Mike Petty, 'E is also for editing', *The Bookseller,* 2 February 2001, p. 25

chances for success. The door to the market has been in the hands of a very small number of agents and publishers. Now the ultimate filter is going to be the market.'[435]

In the autumn of 2000, *The Author* published an overview of e-publishers which illustrated how fragmented and chaotic this new industry was at the time. Fifty-two publishers were listed, most of whom were established in America, which in theory should not be a problem given the global reach of the Internet. In February 2002, thirty-five of those fifty-two companies had survived, and confusion still reigned as to the ideal business model for an e-publisher. According to the list, the royalty paid to authors ranged from 10% to 80%. A few sites had some sort of quality filter, while the vast majority appeared to be willing to publish anything. Some sites sought exclusive rights while others operated on a non-exclusive basis. The quality of the web-sites themselves also varied a great deal.[436] Many observers felt that quite a few e-publishing companies left the impression of a vanity-publisher, mainly out to make money off aspiring but not necessarily talented authors. The only difference was that they provided services at vastly reduced costs compared to traditional vanity publishing.

Indeed, several of the large terrestrial publishing houses apparently saw the lack of reputable e-publishers as an opportunity to enter the market and take advantage of their credibility. So far, their ventures into e-publishing are generally considered to have been of limited success. Time Warner Trade Publishing, for example, launched its e-publishing subsidiary IPublish.com in May 2000 only to close it down eighteen months

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[435] Ybarra, p. 176.
[436] Jane Dorner, 'Some of the main electronic publishers', *The Author,* Autumn 2000, pp. 124-127.

later. The chairman of Time Warner Trade Publishing was quoted as saying: 'The market for e-books has simply not developed the way we hoped, and given the overall economic climate, we can't jeopardize our thriving print business by carrying a money-losing operation indefinitely into the future'.[437] Random House was also forced to close down its e-publishing subsidiary @Random after disappointing sales.[438] Both companies said, however, that they would continue to publish titles simultaneously in paper and electronic formats under their existing imprints. Random House is also one of the backers of e-publisher Xlibris.com, which was still in business in September 2003. It is evident from coverage in the publishing press as well as the shrinking number of e-publishers that the optimism around e-publishing vanished with the collapse of the Internet economy in 2001.[439]

Is there a role for the literary agent in electronic publishing? King made his books available in digital format, the first time through the publisher's web-site and the second time directly from the author's own web-site. The agent's role was critical in King's example, particularly in the latter case where the publisher was not involved at all. The responsibilities of editing and devising a marketing and publicity strategy were shifted over to the agent. The absence of a publisher not only represents a potentially significant opportunity for the agent, but, equally, requires a great deal of involvement on his or her part. The way most agents work today, representing a large number of clients, would not

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[437] Anonymous, 'AOL Time Warner packs up e-book unit', *News.com,* 4 December 2001 <http://news.com.com/2100-1023-276608.html?legacy=cnet> (accessed 1 October 2003).
[438] Tiffany Kary, 'Random House closes an e-book chapter' <http://news.com.com/2100-1023-275645.html?legacy=cnet> (accessed 1 October 2003).
[439] According to the Booktrust, the only field in which e-publishing has had an impact so far is the academic world, although 'publishers are still struggling to find a successful means of charging users.', <http://www.booktrust.org.uk/working/industry.html> (accessed 29 November 2003).

be possible if they were to take on this expanded role. Rather than the usual thirty to sixty writers, agents would most likely represent less than a handful authors. This kind of publishing is, as we have seen in King's and Forsyth's examples, considered unlikely to become mainstream publishing anytime soon. However, it has the potential to represent a problem for publishers as it would appeal to exactly the kinds of authors that publishers are most dependent upon: the very best-selling.

So far, existing e-publishers seem to have taken a passive role; they can almost be characterised as notice board type services where writers can 'post' their works to be sold. Indeed, the Society of Authors warns against these kinds of publishers on its web-site:

> Such companies often have little incentive to sell or promote your work (which may well only be listed on the publisher's website and in its catalogue), and may be earning their money in other ways [...]
> If the site is just one of many offering a random selection of titles covering a miscellaneous range of subject areas (not always by top quality writers), ask yourself: it that really the best home for my work?[440]

On these web-sites, editing, active marketing and publicity of specific titles is limited or even non-existent. In theory, agents have ample opportunities to widen their role in this kind of publishing environment, however, in practice it is very unlikely that agented authors would even consider e-publishing as an option for getting published. This might change in the future should e-publishers find an effective business model for on-line publishing.

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[440] <http://www.societyofauthors.net/faqs/ondemand.html> (accessed 4 November 2003).

E- books and e-book readers

The e-book was reportedly met with a good deal of scepticism in the publishing business, not surprising perhaps given that it challenged the print format that had remained more or less unchanged since it was invented five hundred and fifty years ago. The success of e-books was completely dependent upon the development of reading devices that made the reading experience comfortable. As we saw earlier, this was one of the main problems in Stephen King's experiment. The alternative to the computer and the personal organiser, the e-book reader, had to be of high quality and attractively priced for the e-book to succeed. In 2000, *The Bookseller* wrote that the e-book reader had the potential to become the new favourite gadget: 'When the Rocket [e-book reader] becomes widely available next year, it is just possible that the e-book hardware may become the new "must-have" item, like the mobile phone.'[441] However, in *The Bookseller,* David Guest argued that the inconvenience of the existing e-book readers would limit their success:

> Hugely expensive, available in a number of incompatible formats, dependent on batteries and apt to break if dropped, it already has some of the hallmarks of a classic marketing turkey. When the health scares start to surface, its fate will be sealed [...] computers emit radiation, especially from the back. If a mobile phone might fry your brain, would you want to doze off with an e-book humming in your lap? [442]

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[441] Hilary Macaskill, 'E-books-whose rights?', *The Bookseller,* 10 November 2000, p. 25.
[442] David Guest, 'In the toils of the Net', *E-Business: Bookseller,* 20 October 2000, p. 7.

So far, Guest seems to have been right. The sale and popularity of e-books and e-book readers have been limited; a survey reported in *The Publishing Industry: market review 2002,* revealed that only 2% of respondents said they would buy an electronic edition of a book or an e-book.[443] Amazon sells e-books on its web-site, but the selection is limited and is mainly in genres such as self-help books, computer books and classic fiction. Its list of the ten best-selling e-books is dominated by books in the first two categories and includes only one novel.[444] In comparison, Amazon's list of the one hundred best-selling paper books includes five novels in the top ten.[445] Interestingly, Amazon's U.K. web-site's titles can only be downloaded to computers or personal organisers, but not to dedicated e-book readers; perhaps an indication of the lack of success of such devices.[446] Of the large publishers in the U.K., it appears that HarperCollins and Random House have chosen different strategies with regards to e-books. HarperCollins's U.K. web-site does not even mention e-books, whereas Random House have a separate section on their web-site dedicated to e-books. However, Random House selection is limited with around forty-five titles, mostly in commercial fiction, Internet related books and self-help books.[447] Because of the lack of success of the e-book most publishers have reduced or completely cut off funding to their e-book related projects. There seems to be a 'wait-and-see' attitude in the industry towards this product.

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[443] Lynsey Barker, *The Publishing Industry: market review 2002,* 9th edn (Hampton: Key Note Ltd., 2002), p. 23.
[444] <http://www.amazon.co.uk/exec/obidos/tg/browse/-/637262/ref=amb_b_nav_637262/202-8927097-0844663> (accessed 6 November 2003).
[445] <http://www.amazon.co.uk/exec/obidos/tg/browse/-/266239/ref=cs_nav_tab_b/202-8927097-0844663> (accessed 6 November 2003).
[446] <http://www.amazon.co.uk/exec/obidos/tg/feature/-/219681/ref=mk_p4_h_1_1/202-8927097-0844663#whatsaneBook> (accessed 7 November 2003).
[447] <http://www.randomhouse.co.uk/ebooks/home.htm> (accessed 6 November 2003); <http://www.harpercollins.co.uk/> (accessed 7 November 2003).

With the existing reader alternatives, the e-book is said to be better suited to certain kinds of texts than others. Guide books, reference books, and professional and academic books, for instance, are more easily adapted to the e-book format than fiction, for example, at least until e-book reader technology gets more sophisticated and consumers get comfortable with the idea of reading books on screen for an extended period of time. Carole Blake does not believe that the e-book will replace the paper format, but rather that it will be just another format suitable only for certain types of books. Matching the right type of format with the right kind of content is crucial, Blake argues. 'Just because [the e-book] can be produced, does not necessarily mean the consumer will want it in that format. Matching format to content will be even more important as more variety is possible.'[448]

E-books and e-publishing raised a host of new issues surrounding copyright which had to be addressed by the literary agent. Uncertainty of how this new segment of publishing would develop made agents and publishers vary about trading in electronic rights. Carole Blake explained why:

> Publishers want to control electronic rights because they fear a license in this area could produce a product that will take the place of a book sale; authors wish to retain control of the rights because they fear losing control of unknown areas of rights that have yet to be invented or developed.[449]

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[448] Blake, *The Book Trade in 2010,* p. 3.
[449] Carole Blake, *From Pitch to Publication,* (London: Macmillan, 1999), p. 278.

Another area of uncertainty was, and still is, reversion of copyright. Once digitised, a book will never technically be out-of-print. In traditional publishing, rights usually revert to the authors once the title is no longer available from the publisher. This serves as an important exit clause for the author in those cases where the publisher has published the book badly or lost interest in the book. In e-publishing, defining what constitutes out-of-print appears to be much more complex. Carole Blake suggested that books that are 'selling slowly' should be considered out-of-print and that rights should revert to the author. Again, the challenge remained in defining 'selling slowly'.[450]

An even more fundamental issue – many people felt – was the protection of electronic copyright. Once a manuscript is made available in electronic form, protecting that from illegitimate use is, as the music industry has discovered, very difficult:

> The advent of widespread cheap CD-Recordable (CD-R) devices and explosion in popularity of MP3 music file swapping programmes among the online community has brought piracy to the forefront of industry concerns; once a contained activity, performed by organised pirates hidden in garages, piracy has come to the mainstream. In effect, every child swapping files online via a peer-to-peer programme or copying CDs for his friends is a pirate.[451]

Technology specialists are struggling to invent secure unbreakable formats. However, as music industry analysts point out: 'Information technology insiders confirm that no

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[450] Carole Blake, *The Book Trade in 2010*, p. 2.
[451] Nick Bertolotti and Pierre Stiennon, 'Music – Universal Music Group', *JPMorgan H&Q, Equity Research,* (London: JP Morgan, 18 April 2001) p. 40.

secure format, watermark or encryption platform is uncrackable.'[452] This spells problems not only for the music industry, but for any type of copyright protection on the Internet.

The Authors' Licensing and Collecting Society's (ALCS) web-site gives some advice on selling electronic rights, but, as with much advice on this topic, it is relatively vague. The ALCS suggests that electronic rights should be treated differently from subsidiary rights: 'It is not sufficient to consider electronic rights as one of the many subsidiary rights that appear in a publishing contract, nor should they be transferred wholesale with an exclusive licence. [...] In the digital environment the way forward appears to be access through licence rather than ownership through purchase.'[453] An ALCS paper titled *Authors in the Electronic Age* published in 1993 provides further advice on electronic rights. The paper cites the Society of Authors' recommendation to retain all electronic rights and, failing that, grant only clearly specified electronic rights and with a limited duration.[454] The paper also quotes the AAA's suggested list of questions that should form the basis for negotiations of a manuscript in electronic format; these include issues such as the technological platform, the geographical area, the term of the license, safety features of the text etc.[455] Today, most of the advice available on this topic is quite dated, a reflection of the loss of relevance of electronic rights. According to one agent, the current practice is for publishers to pay the author 50% of the revenues from the relevant e-book with no deduction for the conversion costs involved in digitising the text.[456] Press coverage in trade publications on electronic rights virtually stopped as of the middle of

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[452] Bertolotti, p. 43.
[453] <http://www.alcs.co.uk/pages/main_fs.asp?hub=copy> (accessed 18 November 2003).
[454] Anonymous, 'Authors in the Electronic Age', p. 4 <http://bricolage.bel-epa.com/issues/issue004/aitea.xhtml> (accessed 18 November 2003).
[455] Anonymous, 'Authors in the Electronic Age', p. 4.
[456] Interview 3 November 2003.

2001. As of 2003, the successes of the e-book and e-publishing are considered to have been limited and the issue of copyright protection of electronic rights is no longer a top priority among literary agents.

The future of the literary agent in a new technological environment

Agents themselves are said to have been invariably optimistic about their future role and saw it expanding rather than contracting in the new technological environment. As Carole Blake explained, the agent community viewed new technology as an opportunity rather than a threat:

> Agents will increasingly act like 'brand managers' providing add-on services that either come too expensively from publishers (low royalties) or which are not available from print on demand providers, i.e. editing, marketing, publicity, career advice on rights exploitation, contract management and monitoring.[457]

Most observers believe that in a publishing climate where lasting personal relationships are increasingly rare, it is highly unlikely that authors will sever contact with the agent, the one stable element of their careers. Furthermore, as *The Bookseller* pointed out, technology cannot provide subjective advice and professional judgement.

> This is why those who think that agents are under threat from new kinds of publishing are probably wrong. The vast majority of authors will continue to employ people to handle their rights, to offer editorial help,

[457] Blake, p. 3.

to promote them. As Mr Lloyd pointed out, agents whose jobs were once seen largely as carrying out the first function are now performing the other two as well. Carole Blake went further: 'Authors and agents often share a long and close relationship, and the chance to direct the distribution and marketing and profit levels, rather than watch others do it, is an exciting prospect.'[458]

However, agents seemed to be divided in their views on the role of the publisher. Some agents, such as Caroline Dawnay of PFD felt that publishers would remain key to the publishing process:

> Unless they are celebrities – usually not writers at all – authors are not brand names at the outset, but unknowns, deriving all their hope of success from careful editorial advice, good production, targeted marketing (which costs), creative publicity (which does not) and the invisible but effective distribution which the risk-taking publishers provides.[459]

Jonathan Lloyd of Curtis Brown agreed:

> Brand name authors are an exceptional case and are in a position to call the shots and take matters into their own hands. But one has to ask how they became stars? These authors have gained their status mainly through the excellent work of their publishers.[460]

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[458] Anonymous, 'Agents: will middlemen become top dogs?', *The Bookseller,* 22 September 2000, p. 20.
[459] Anonymous, 'An agent of change', *The Bookseller,* 15 September 2000, p. 24
[460] Anonymous, 'An agent of change', *The Bookseller,* 15 September 2000, p. 25.

While others such as Carole Blake speculated on the possibility of a publishing environment without publishers:

> Electronic delivery of content is a channel to market that can shorten the supply chain dramatically between content provider and consumer. A distributor or distribution method is still required, but does it have to be a publisher? It could as well be a bookseller, a wholesaler, a printer, an agent. [461]

As the examples discussed in this chapter demonstrate, it looks as if new technology is raising a number of new complex issues, most of them in the domain of copyright protection, which authors will be unable to handle without the help of an agent. If anything, technological developments appear to have strengthened the position of the agent and secured their role in the future. The role of the agent extends – many would argue – beyond that of a traditional middleman and is therefore unlikely to be threatened by the Internet.

The following and final chapter presents case studies which illustrate that the escalating size of advances, made possible by the conglomeratisation process, should be regarded as one of the main reasons for agents' gradually more influential position in British publishing. In publishing – as in most other businesses – influence and power are closely connected to money. As a result, as advances increased during the last decade of the 20th century, agents reportedly gained professional respect and status from negotiating lucrative publishing contracts. The case studies show how the amount of press coverage

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[461] Blake, *The Book Trade in 2010*, p. 3.

a publishing agreement receives is often correlated to the size of the advance involved in the transaction. Indeed, it seems that a large advance is frequently the only reason publishing agreements attract media attention outside trade publications. The large financial stakes involved in modern publishing is – many observers believe – one of the most important explanations for the increasingly influential position of the literary agent. The chapter analyses examples of large advances and the press coverage they have generated. It examines their effect on the authors and agents involved and describes four landmark cases which attracted substantial media interest: Michael Holroyd's Bernard Shaw biography in 1987, Vikram Seth's novel *A Suitable Boy* in 1992, Martin Amis's novel *The Information* in 1994 and Amy Jenkins's novel *HoneyMoon* in 2000.

Chapter VII – The Agent, the Author and the Large Advance – Case Studies in Literary Agenting

Michael Holroyd's Bernard Shaw biography in 1987

In 1987, the biographer Michael Holroyd was at the centre of one of the most talked about publishing agreements of the decade when he received a £625,000 advance for a multi-volume biography of George Bernard Shaw. The advance, very large by any standard, particularly for a biography, made headlines in national newspapers. The previous record for a biography was £90,000 paid by Hamish Hamilton and Penguin for Richard Ellmann's biography of Oscar Wilde. Publishers were invited to submit sealed bids to Holroyd's agent Hilary Rubinstein at A.P. Watt on the basis of a 190,000 word first part of the biography and nine publishers, among them Faber and Faber, Cape, Chatto & Windus, Macmillan and Bloomsbury, participated. Chatto & Windus eventually won the contract on the combined merits of their advance and their marketing and publicity plan; a higher bid of £650,000 from Macmillan was rejected.[462] In addition to the three main volumes, the agreement included a volume of references, a paperback version of Shaw's life and a companion guide to his works. The books were originally commissioned in the early 1970s by the American publisher Holt, but later moved to Random House when Holroyd's editor Tom Wallace left Holt.[463] Holroyd's Shaw biography came out in five parts: *Bernard Shaw. Vol. I: The Search for Love* (1988) at £16, *Bernard Shaw. Vol.II: The Pursuit of Power* (1989) at £18, *Bernard Shaw. Vol. III:*

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[462] Anonymous, 'Chatto's £625,000 for the life of Shaw', *The Bookseller,* 2 October 1987, p. 1397.
[463] Maggie Pringle, 'For sale – Michael Holroyd's life of Shaw', *The Bookseller,* 18 September 1987, p. 1218.

The Lure of Fantasy (1991) at £25, *Bernard Shaw. Vol. IV: The Last Laugh* (1991) at £10.99 and *The Shaw Companion* (1993) at £40.[464]

The first volume, *The Search for Love,* was favourably reviewed in the *London Review of Books* by Frank Kermode. Apart from the lack of source notes, Kermode praised the book's content and style saying that: '[Holroyd's] prose occasionally takes on the vitality of Shaw's.'[465] Ian Fletcher, writing for the *Times Literary Supplement,* was also enthusiastic about the book. 'The first volume of this biography is highly readable…', concluded Fletcher.[466] Reviewing the second volume, *The Pursuit of Power,* Frank Kermode wrote that: 'Although [the volume] is about power-seeking, this volume somehow lacks power; it hasn't the élan of its predecessor…'[467] The third volume, *The Lure of Fantasy,* was reviewed more favourably and described by Kermode as 'admirable'.[468] John Sutherland's critique was equally positive: 'Shaw's vastness has met its match in the biographer's energy and power of synopsis.'[469] The final volume, *The Last Laugh,* contained sources notes and a cumulative index to the first three volumes as well as what one reviewer described as 'a vastly amusing 90-page account of Shaw's afterlife.'[470] However, Sutherland was critical of *The Shaw Companion* in his review in the *Times Literary Supplement.* [471] The £40 price tag and the inclusion of *The*

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[464] John Sutherland, 'Life sources for GBS', *Times Literary Supplement,* 9 April 1993, p. 22.
[465] Frank Kermode, 'Georgian eyes are smiling', *London Review of Books,* 10:16, 15 September (1988), 9-12 (p. 9).
[466] Ian Fletcher, 'Sonny and the siren-slaves', *Times Literary Supplement,* 16-22 September (1988), 1007-1008 (p. 1007).
[467] Frank Kermode, 'Power-Seeker', *London Review of Books,* 11:19, 12 October 1989, 14 (p. 14).
[468] Frank Kermode, 'Molly's Methuselah', *London Review of Books,* 13:18, 26 September 1991, 14-15 (p. 15)
[469] John Sutherland, 'GBS as GOM', *Times Literary Supplement,* 6 September (1991) 6-7 (p. 6).
[470] D.J.R. Bruckner, 'Bernard Shaw', *New York Times Book Review,* 18 April 1993, p. 22.
[471] John Sutherland, 'Life sources for GBS', *Times Literary Supplement,* 9 April 1993, p. 22.

Last Laugh in the companion – published separately just two years earlier – was a desperate measure by the publisher to recoup their advance, Sutherland argued. Moreover, the companion, like the biographical volumes themselves, lacked source notes and was difficult to navigate, according to Sutherland.

Presumably, Chatto & Windus had counted on Holroyd's books becoming widely read by the public, rather than confined to libraries and academics; otherwise, the £625,000 advance could hardly be justified. The books appeared to be published with this in mind; for example, Holroyd decided to publish a separate book on the sources used in the three volumes to avoid 'charging general readers for an apparatus they will never use.'[472] Rather than appeal to the general public, this strategy frustrated reviewers such as Frank Kermode who argued in the *London Review of Books* that: '… some of the interest lies in spotting what is new, and even general readers – a category authors are tempted to fashion in whatever image suits their books – might like to know where it came from.'[473] Also the choice of sub-title, *The Search for Love,* was perceived by Kermode to be a way of attracting the attention of the general reader.[474] Ian Fletcher also highlighted the books' accessibility to the general reader.[475] However, Holroyd's books never became the best-selling biography Chatto & Windus had expected and are rumoured not to have earned out their advance. The scope of the biography, four volumes (not including volume five which was aimed as scholars) and more than one thousand five hundred pages, was also likely to have discouraged potential readers among the general public.

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[472] Frank Kermode, 'Georgian eyes are smiling', *London Review of Books,* 10:16, 15 September (1988), 9-12 (p. 9).
[473] Kermode, p. 9.
[474] Kermode, p. 9.
[475] Fletcher, p. 1007.

The £625,000 advance represented fifteen years of work and was paid in £40,000 instalments over several years. Holroyd said the money brought him the financial security he needed to concentrate exclusively on the biography and that it provided him with 'a middle-age pension'.[476] The advance contrasted with the advances of £25 and £50, paid for his first and second books.[477] As Holroyd explained, the public reaction was not as positive as one might have expected: 'I was described in some newspapers as a lottery winner, and in others depicted as an obscenely greedy capitalist who was stealing money from my fellow authors. My post was full of begging and threatening letters, and I became the Martin Amis or the Amy Jenkins of the day.'[478] Some commentators felt Holroyd was 'stealing' money from fellow writers while others applauded it as a well-deserved reward. The size of Holroyd's advance became so famous that it is said to have overshadowed the books themselves. The lead-time between publicising the advance and publishing the books was over a year, which meant that the publicity value of the advance was – most people believe – negligible by the time the books came out. In hindsight, Holroyd felt that a different strategy should have been chosen, although at the time, it seemed an appropriate course of action: 'The publicity [surrounding the advance] went off a good year too early [...] Looking back it would have been much better to have done nothing and kept quiet. [...] We wasted a lot of coverage in papers, magazines and interviews.'[479]

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[476] Michael Holroyd, *Ten Percent Man*, Speech given by Holroyd in October 2000 (in my possession), p. 7.
[477] Holroyd, *Ten Percent Man*, p. 7.
[478] Holroyd, *Ten Percent Man*, p. 8.
[479] Interview 29 September 2000.

The Holroyd agreement should be viewed as an interesting reflection on the publishing industry. The fact that the author decided not to take the highest bid, but the bid that showed the most commitment to the publishing process was – many observers would argue – symptomatic of the state of the industry. It revealed scepticism towards publishers' ability to follow through on a publishing project. One would assume that once a publisher had paid an advance of this magnitude the company would dedicate resources to recover the advance. In a post-conglomerate publishing climate, this was not necessarily the case, although chances were considered better than if a small advance had been paid. High staff turnover combined with long lead times often seemed to jeopardise the follow-up of the project.

By the time Holroyd's next book, the autobiography *Basil Street Blues*, came out in 1999, the public had forgotten the Shaw episode.[480] Stories of other advances had overshadowed that of Holroyd's. This time, the advance was kept confidential and publicity around the book was driven by good reviews and by a serialisation in *The Daily Telegraph*, rather than the financial aspect of the publishing contract.

Interestingly, the negative publicity around Holroyd's Shaw biography appeared to centre on the author's 'greed' rather than the agent's aggressive negotiation tactics; a sealed bid process is usually considered to be the most onerous type of bidding, leaving publishers in the dark about competitors' bids. In general, writing is a low paid occupation and authors are often expected to show solidarity with fellow writers. Those receiving large advances are therefore sometimes perceived as taking away from other authors' potential

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[480] Holroyd co-wrote and contributed to other books between 1993 and 1999, however *Basil Street Blues* was his first solo-project since the publication of the Shaw biography.

advances. Agents, evidently, do not have these kinds of moral obligations. As we have seen, throughout their history, agents have been criticised for being instigators of large advances, most recently during the early 1990s. However, the moral responsibility has increasingly been placed with authors. At the beginning of the 20th century, the perception was that authors were lured by their agents into demanding more money from their publishers. At the beginning of the 21st century, authors were no longer considered innocent and had to take responsibility for what agents did on their behalf. As a result, Hilary Rubinstein was not criticised in the press for his role in negotiating the advance. Rather, Rubinstein's skills as negotiator was emphasised by Holroyd in *The Times*; ' "It is a tribute to Hilary Rubinstein" ' the author said in commenting on the advance.[481]

Vikram Seth's 'A Suitable Boy' in 1992

Vikram Seth's first fiction book was *The Golden Gate* (1986), a novel in verse about San Francisco life-styles in the 1980s. The book was well-received by the critics but was not a commercial success. In addition, Seth had published the travel book *From Heaven Lake* (1983) and three volumes of poetry; *The Humble Administrator's Garden* (1985), *All You Who Sleep Tonight* (1990) and *Beastly Tales from Here and There* (1992).[482]

Seth's agent was the late Giles Gordon who worked for Curtis Brown. Seth first contacted Gordon in 1986 while working on *A Suitable Boy*; he wanted to interview

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[481] Sarah Jane Checkland, 'Shaw's biographer signs record £625,000 deal', *The Times,* 25 September 1987, p. 1b.
[482] Vikram Seth, *A Suitable Boy* (London: Phoenix House, 1993) p. iii.

different agents before choosing one, a somewhat unorthodox approach, particularly for an unknown author. Gordon recalled the interview in a newspaper article:

> He [Seth] put together a dossier of agents, one of which was ours. And he wanted to see three different people. We deeply resented that. Grand authors go around one or two agents before deciding. But to see three agents in one agency simultaneously, when you are totally unknown, is a bit of a cheek. Vikram sat at one end of a long table and he began to grill us. It was absolutely incredible [...] The three of us were very self-conscious and rather resentful of doing this in front of each other. Agents never get interviewed by authors.[483]

Despite the agent's initial irritation, the two got on well and Seth eventually asked Gordon to represent him. Reportedly, what made him settle for Gordon was his interest in poetry; Gordon later sold two of Seth's poetry collections. At the time, Seth did not inform his agent that he was working on *A Suitable Boy.*

Given the original length of *A Suitable Boy* – two thousand pages – the author spend a whole year editing the novel on the advice of his agent and his editor, Robert McCrum at Faber & Faber, Seth's original publisher. The novel was reduced in length by almost seven hundred pages, but was still one of the longest novels ever to be published in English. Faber would not offer more than £50,000 for the novel and Gordon, who felt that the book was worth more, approached several other publishers. The novel was shown to nine publishers; all of whom bid for the book in the subsequent auction in 1992.

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[483] Fiammetta Rocco, 'How We Met: Vikram Seth and Giles Gordon', *Independent on Sunday,* The Sunday Review, 4 April 1993, p. 77 [on CD-rom].

Chatto & Windus, Penguin and Phoenix House all bid over £200,000.[484] Phoenix House, part of the Orion Group, eventually outbid the rest by offering £250,000 for the U.K. publishing rights, while HarperCollins paid $600,000 for the American publishing rights. The advance was unusual in several ways; first of all because of its sheer size for a one book transaction and, secondly, because of the fact that Seth was an almost unknown author. At the time, it was the largest advance ever paid for a first novel in Britain.

Published in March 1993 to critical acclaim, *A Suitable Boy* went straight to number four on *The Sunday Times* best-seller list for hardback fiction.[485] The publisher compared Seth to Tolstoy, Thackeray and George Eliot in the publicity material for the book and, 'for once the critics seem to agree with the press releases', remarked *The Sunday Times*.[486] Daniel Johnson of *The Times,* one of the novel's great supporters, wrote that: '…it may prove to be the most fecund as well as the most prodigious work of the latter half of this century – perhaps even the book to restore the serious reading public's faith in the contemporary novel.' Johnson went on to admire Seth's dialogue and his ability to make complex and interesting characters: 'Seth employs his psychological dexterity to create a huge cast of characters, the least significant of whom has as much life as the most.'[487] *The Sunday Times* reviewer Peter Kemp was equally enthusiastic and felt that the publisher's comparison with Tolstoy and Eliot were not 'as you might expect, embarrassingly over-large' but rather 'more and more fitting as the book expands.'

Kemp went on to describe it as: 'A masterly feat of authorial control, *A Suitable Boy*

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[484] Nicholas Clee, 'Vikram Seth: making advances', *The Sunday Times,* 21 March 1993, p. 7/7a.
[485] Anonymous, 'The Sunday Times Bestseller List', *The Sunday Times,* 28 March 1993, p. 15.
[486] John Furbisher, 'An Indian "Tolstoy" excites the literati', *The Sunday Times,* 21 March 1993, p. 5.
[487] Daniel Johnson, 'Seth's subcontinent of a novel', *The Times,* 25 March 1993, p. 37a.

modulates unawkwardly from moments of delicate emotional and psychological accuracy to scenes of panoramic drama.'[488] John Lanchester of the *London Review of Books* admired the scope of the novel describing it with these words: 'If *A Suitable Boy* has a model it is less the 19th-century masterpieces with which it has been compared than the country of India itself.' He also praised Seth's writing style: 'The prose is intended not to distract. The resulting structural clarity is remarkable – you never don't know what's happening, why, where and to whom.'[489] The *Independent*'s reviewer Tim McGirk, was one of the few critics who had reservations about the novel. 'The novel sprawls. It spreads. It foliates exuberantly. But it doesn't move', he wrote in his review. McGirk praised Seth's dialogue and ability to create new and interesting characters but, in contrast to Johnson, he argued that , '…once Seth has managed to get under their skins, he tires. He flits off and doesn't deepen our understanding or even interest in them.'[490]

According to Giles Gordon, the novel was a commercial as well as a critical success. Due to its size, the hardback edition of the novel was sold at £20, substantially higher than the £15 customary in 1993.[491] In spite of the large advance, Seth has reportedly been paid high royalties every six months since its publication, with the first royalty payment subsequent to paperback publication being an almost six figure sum.[492] According to Richard Todd's calculations in *Consuming Fictions,* the hardback sales

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[488] Peter Kemp, 'A caste of thousands', *The Sunday Times,* 21 March 1993, p. 7/7a.
[489] John Lanchester, 'Indian Summa', *London Review of Books,* 22 April 1993, p. 9.
[490] Tim McGirk, 'Playing happy families in Brahmpur', *Independent,* 27 March 1993, Weekend Books, p. 31 [on CD-rom].
[491] Todd, p. 116.
[492] Interview 23 March 2000 and letter 22 May 2000 (in my possession).

alone were sufficient to cover the advance.[493] In 2003, the paperback was in its 28th imprint and had sold more than a million copies.[494]

Despite rave reviews and popularity with readers, *A Suitable Boy,* failed to make the shortlist for the Booker Prize in 1993. This, for many people, surprising omission, was defended by the chairman of the Booker judges Lord Gowrie who, controversially, said that the book suffered from inadequate editing.[495] *A Suitable Boy* went on to win the W H Smith Literary Award in 1994, but did not win any other important prizes. The enduring popularity of the novel was reaffirmed in 2003 when *A Suitable Boy* made the list of the nation's one hundred favourite books of all time in BBC's *The Big Read*.[496] The reading public's interest in the novel was extraordinary, particularly in light of its length; *A Suitable Boy* was not an easy read, yet it appealed to a large number of book buyers. Its length appears to have represented a challenge to its readers, and a feeling of accomplishment upon finishing the book may have contributed to its popularity.

The attention around Seth abated in the mid-1990s, partly because of the long gap between *A Suitable Boy* and his next novel *An Equal Music*, published in 1999. Nevertheless, the success of *A Suitable Boy* paved the way for another large advance of

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[493] Todd, p. 117.
[494] Anonymous, 'Who will pay £1.5 million for Seth', *Publishing News,* 11 July 2003 <http://www.publishingnews.co.uk/pnarchive/display.asp?K=20030711_20030926_005&st_01=seth&pl=10&fields=default&sort=date%2Fd&sf_01=KEYWORD&stem=false&sf_03=type&sf_02=date&m=5&dc=6> (accessed 4 October 2003).
[495] David Lister, 'A suitable case for prize treatment', *The Independent,* 9 March 1994, p. 4 [on CD-rom].
[496] In April 2003, the BBC asked viewers to nominate their favourite books. A list of the one hundred most voted books was published in May, at which point viewers were asked to vote for the favourite among those one hundred, in October voters were asked to vote on the list of twenty-one books chosen from the list of one hundred. The winner, *The Lord of the Rings,* was announced in December 2003. (<http://www.bbc.co.uk/arts/bigread /top100.shtml> (accessed 19 January 2004); <http://www.bbc.co.uk/arts/bigread/ (accessed 10 March 2004)).

£500,000 paid by the Orion Group for *An Equal Music*. The novel fared less well with critics and did not sell as well as *A Suitable Boy*.[497] In 2003, Giles Gordon approached publishers with Seth's latest book project, a memoir about his great aunt and uncle called *Two Lives*. Reportedly, Gordon wrote the eight page outline of the book sent out to publishers.[498] The asking price for the manuscript was £1.5 million, an astronomical sum for a non-fiction book written by an author who was not a celebrity.[499] Following several rounds of negotiations, Time Warner's imprint Little, Brown bought the manuscript for a rumoured £1.3 million.[500] *Publishing News* reported on the importance of the offer:

> Such was the scale of the offer, and so serious was the publisher's intent, that it necessitated phone calls to both Time Warner Chief Executive David Young [...] and to Time Warner Chairman and CEO Larry Kirshbaum in New York...[501]

Seth's offer illustrates the fact that publishing contracts involving high advances are of great importance to the publisher and often require the participation of senior management which, in turn, confers status upon the transaction. High profile transactions involving large sums of money and senior managers, such as Seth's, will attract press coverage and bring attention to those involved, including the literary agent. As a result,

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[497] <http://www.complete-review.com/reviews/sethv/equalm.htm> (accessed 26 November 2003).
[498] David Hughes, 'Acute literary agent with a talent for gossip', *The Independent*, 17 November 2003, <http://news.independent.co.uk/people/obituaries/story.jsp?story=464458> (accessed 18 November 2003).
[499] As we saw in Chapter V, it is not uncommon for publishers to pay advances of this size to celebrity authors.
[500] Anonymous, 'Time Warner wins Seth auction', *Publishing News,* 18 July 2003 <http://www.publishingnews.co.uk/pnarchive/display.asp?K=20030718_20030926_005&st_01=seth&pl=10&fields=default&sort=date%2Fd&sf_01=KEYWORD&stem=false&sf_03=type&sf_02=date&m=4&dc=6> (accessed 6 October 2003).
[501] Anonymous, 'Time Warner wins Seth auction'.

publishing contracts that include large sums of money will – many people believe – elevate the status of the agent.

As we saw in Chapter V, agents have an interest in maximizing advances as a means of increasing their own income. But agents are also said to benefit from the publicity surrounding large advances. Favourable publicity, such as the successful negotiation of a large advance, can be seen a marketing tool both vis-à-vis potential clients and publishers, who will associate the agent with the lucrative transaction. However, information about publishing contracts is carefully controlled by the agent and the publisher and the kind of information that is released is usually part of a larger publicity strategy. The information that, in the case of Seth's book, the Chairman and CEO of Time Warner was involved in the decision making process, was almost certainly distributed intentionally as a means of attracting attention and lending credibility to the transaction. Since press coverage on high advances usually enhances the reputation of the agent, agents can sometimes be torn between the interest of their clients and those of their own. As we saw in the case of Michael Holroyd, publicity in connection with advances does not always work in the author's favour. In the case of *A Suitable Boy,* however, the strategy of publicising the advance proved a success.

Giles Gordon was particularly skilled at using the publicity surrounding Seth's advances to draw attention to his own role. For example, in connection with the publication of *A Suitable Boy,* he appeared in an interview in which he discussed his working relationship

with Seth, fairly unusual for an agent.[502] Gordon's reputation as a skilful agent was closely associated with his involvement in Seth's publishing contracts.

Martin Amis's 'The Information' in 1994

Martin Amis was the subject of one of the most controversial publishing agreements of the 1990s. *The Information* became notorious for a number of reasons: its large advance, its relatively poor sales record as well as the circumstances around Amis's agency transfer. In 1994, HarperCollins paid £500,000 for *The Information* and a collection of short stories. Expected to become a best-seller by its publisher, the book was aggressively marketed and publicised but with limited success, as Richard Todd explains:

> The eve-of-publication promotion, including an excerpt from *The Information* in the *Observer* and a South Bank Show interview with Melvyn Bragg (both on Sunday, 19 March 1995) led to strong sales initially, though by July 1995 some bookstores were reporting that they were returning as many as half of the copies they had originally ordered. At the time of the collapse of the Net Book Agreement (NBA) and in part as a result of Amis's failure to be shortlisted for the 1995 Booker Prize, *The Information* was being offered at a minimal price by Waterstone's, providing customers bought the 1995 Booker shortlist in its entirety. This is a fascinating case, in which *The Information*, promoted as a best-seller by a publisher anxious to establish its literary credentials, actually became a loss leader.[503]

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[502] Rocco, p. 77.
[503] Todd, p. 18.

In *Consuming Fictions,* Richard Todd calculated the likely earnings from *The Information* and concluded that:

> The controversy centred not so much round the sum itself as on the assumption that on past form – Amis's most successful novel to date, *London Fields,* cannot have netted Amis much more than one half of this amount – Amis would be most unlikely to earn back an advance of this size.[504]

Writing six months after the publication, the *Independent on Sunday* wrote that: '*The Information* was the number one hardback fiction best seller for only two weeks in early April. It was out of the top 10 by the end of May. […] Around 48,000 copies of *The Information* have been sold since its publication in March.'[505] These sales figures was far below what one would have expected for an author of Amis's prominence, and in sharp contrast to some of his earlier books. In comparison, *London Fields* reportedly sold forty thousand in hardback and more than two hundred and fifty thousand in paperback, earning Amis royalties in the region of £200,000.[506] The advance was widely regarded as excessive and *The Information* did not do as well as its publishers had expected: 'Tom Rosenthal, publisher at André Deutsch, revealed that "the view of the book trade, with access to the wholesale figures, was that *The Information* was a commercial fiasco. One would have been very surprised if it earned £100,000, let alone £500,000." '[507]

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[504] Todd, pp. 17-18.
[505] Decca Aitkenhead, 'Amis's "problem" Information on sale for £5', *The Independent on Sunday,* 1 October 1995, p. 3 [on CD-rom].
[506] Todd, p. 116.
[507] Boyd Tonkin, 'Martin Amis: better rich than read', *The Independent,* 18 December 1996, p. 13, [on CD-rom].

The critical reception of *The Information* was mostly positive, although not as unanimous as the reviews of some of his previous works such as *Money* and *London Fields.* Michiko Kakutani of the *New York Times* was enthusiastic about the novel: 'By turns satirical and tender, funny and disturbing, *The Information* marks a giant leap forward in Mr. Amis's career. Here, in a tale of middle-aged angst and literary desperation, all the themes and stylistic experiments of Mr. Amis's earlier fiction come together in a symphonic whole.' Kakutani also predicted that the novel would be a 'big popular hit'.[508] While Kakutani praised the book for combining the features of previous works, Julian Loose of the *London Review of Books* felt that this was its weakness: '…this novel is a very familiar Amiscellany. There's too much of the same…'[509] However, Loose still admired Amis's writing, describing it as 'fantastically rich'. Writing in the *Times Literary Supplement,* Adam Mars-Jones, was also ambivalent about the novel. '*The Information* has a plot,' Mars-Jones wrote 'but as with its predecessors it isn't the sort that drives its sap through every sentence and makes every phrase, however flowery, align itself with an unseen sun.'[510] However, Mars-Jones went on to conclude that the book '…deserves to be read, like *Money* and *London Fields* – for the ride, if not for the view.'[511] Malcolm Bradbury writing for *The Times*, on the other hand, was full of praise for the book. 'This is a book of brilliant energies', Bradbury wrote, '*The Information* sparkles with Amis's distinctive rage, disgust, stylistic observation, language.'[512]

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[508] Michiko Kakutani, 'Raging Midlife Crisis as Contemporary Ethos'. *The New York Times,* 2 May 1995, p. C17.
[509] Julian Loose, 'Satisfaction', *London Review of Books*, 17:9, 11 May (1995) 9-10 (p. 9).
[510] Adam Mars-Jones, 'Looking on the blight side', *Times Literary Supplement,* 24 March (1995) 19-20 (p. 19).
[511] Mars-Jones, p. 20.
[512] Malcolm Bradbury, 'Forget the hype, feel the breath', *The Times,* 23 March 1995, p. 32.

Publicity around Amis's advance and his private life is said to have completely overshadowed the mostly positive reviews. Stories about Amis's leaving his wife, marrying an American heiress, fixing his teeth, arguing with Julian Barnes – friend and partner of his former agent – circulated and dominated media coverage of the book.

Two years after his controversial move to HarperCollins, Amis returned to his original publisher Random House. The financial arrangements of the move were kept confidential, but commentators felt they were unlikely to be anywhere close to those that had convinced him to leave Random House just two years earlier. *The Bookseller* believed that the contract was made opaque deliberately to avoid speculation about the advance involved:

> It would have been awkward for Mr Amis to return to RH for an advance that was perceived to be lower that the one he had demanded two years ago. The complications in a contract involving several new titles, as well as deals on a backlist of 10 titles, mean that figures are unlikely ever to be unravelled by outsiders.[513]

As in the case of Michael Holroyd, Amis's advance was considered extremely controversial, even with other authors. A.S. Byatt, threatened publicly to leave her publisher Chatto & Windus if its parent company Random House paid the £500,000 advance, arguing that: 'she always earned out her advances and that a sum of this magnitude could only be to the disadvantage of first-time writers.'[514] Others, such as

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[513] Anonymous, 'Amis returns to Random House', *The Bookseller,* 20/27 December 1996, p. 6.
[514] Todd, p. 113.

Malcolm Bradbury, disagreed, defending the advance in his review of the book in *The Times:* 'A writer is worthy of his hire; one novel by Martin Amis is worth many by the higher-paid Jeffery Archer or Sally Beauman.'[515]

It is a widespread view in publishing that *The Information* became the defining moment of what was labelled 'chequebook publishing' which for many came to symbolise the negative aspects of conglomerate publishing. Indeed, the case became so famous that it has since fathered an expression used by trade publication journalists; 'doing an Amis' refers to someone leaving their long-time, loyal publisher to join another publisher because of a very high advance.[516]

As we saw earlier in this thesis, Andrew Wylie's fame in the U.K. appears to have been the direct result of his ability to negotiate high advances as well as his alleged poaching of Martin Amis and Salman Rushdie. The advance for the *The Information* as well as the $850,000 advance negotiated for the U.S. rights to Salman Rushdie's *The Satanic Verses* were considered instrumental in generating publicity around Andrew Wylie and the then recently established U.K. branch of his agency.[517] Many observers feel that his reputation in the industry as a shrewd and talented, albeit ruthless, agent was strengthened, if not made, by those episodes and the publicity they generated helped attract other prominent and promising British authors, amongst them Zadie Smith. It seems that Wylie carefully grooms his reputation as a fearsome agent and markets his services by appearing, at regular intervals, in the British press. Only between 1999 and

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[515] Bradbrury, p. 32.
[516] Anonymous, 'Who will pay £1.5m for Seth?'.
[517] Todd, p. 112.

2003, he gave interviews to the *Guardian,* to the *Observer* twice and to the *Financial Times Weekend Magazine.* [518] Wylie is perceived to be an interesting interview object amongst journalists, partly because of his controversial personality, but also because of the calibre of the authors he represents. In addition to the British authors already mentioned, Wylie represents Norman Mailer, Saul Bellow, Philip Roth and Paul Theroux amongst others.[519]

Amy Jenkins's 'HoneyMoon' in 2000

Amy Jenkins is a more recent example of a well-publicised advance with – what some people have called – unfortunate consequences. After creating the very successful television series *This Life*, Amy Jenkins signed a two-book contract with Hodder & Stroughton worth £600,000. Jenkins's first book *HoneyMoon*, published in May 2000, had a romantic theme and was aimed at the same audience as Helen Fielding's hugely popular *Bridget Jones's Diary*. The contract was negotiated at the height of what became known as 'chick-lit' publishing; literature aimed at single women in their twenties and early thirties. The publishing contract, controversially based on a sample chapter which, according to the author herself, took just a couple of days to write, was matched by a £300,000 film contract with Columbia pictures. It soon became clear from the author's own comments that her choice of topic was purely market driven: '…there seemed to be

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[518] Emma Brockes, 'Agent provocateur', *Guardian,* 24 November 2003 <http://books.guardian.co.uk/departments/generalfiction/story/0,6000,1092002,00.html> (accessed 26 November 2003); Lynn Barber, 'Paying with words', *Observer,* 7 February 1999, Life Magazine, p. 12 [on CD-rom]; Maureen Freely, 'Agent provocateur', *Observer,* 12 November 1995, pp. 16-17 [on CD-rom]; John-Paul Flintoff, 'He's coming to get you…', *The Business FT Weekend Magazine,* 22 January 2000, pp. 20-23 and 36.

[519] Barber, p. 12.

a real market developing for books about people like me, written by people like me.'[520] She even acknowledged that the kind of book she had written was not of a genre she herself would read: 'Jenkins freely admits she would not read *HoneyMoon*; she cites *The Map of Love* by Ahdaf Soueif, a Booker-shortlisted love story [...] as more of her sort of thing.'[521] The agreement attracted a lot of press coverage, most of it negative. The advance, very large by any standard, particularly for a first-time author, was widely viewed as excessive. This is how the *Independent* described it: '...the advance was the most controversial in publishing since the fuss that blew up around Martin Amis's novel *The Information*. But even Amis, a man often described as "Britain's greatest living author", only got half-a-million dollars, a mere £325,000.'[522] Echoing A.S. Byatt's point, D.J. Taylor fervently criticised Hodder's advance: 'Even half of [the £600,000 Jenkins received], prudently laid out, could have paid for a dozen or more novels by talented newcomers with something to say. As it is, Hodder has opted to throw its money away in the misguided pursuit of glamour.'[523] In addition, or as some commentators have suggested, because of that, *HoneyMoon* got terrible reviews. Andrew Holgate of *The Sunday Times,* described the novel as: 'A sweet, sugary confection that affects to be tapping the zeitgeist, it is so insubstantial to be almost transparent.'[524] Alex Clark of the *Guardian* was equally unimpressed: 'Such is [Jenkins's] authorial exuberance that a nervous reader will experience palpitations worrying about how she can possibly tie up all the loose ends and yet come up with a finale that convinces on psychological, social,

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[520] Anonymous, 'This romantic life', *The Bookseller,* 14 January 2000, p. 35.
[521] Alex O'Connell, 'High anxiety', *The Times,* 29 April 2000, Metro, p. 16 [on CD-rom].
[522] Jane Robins, 'This strife: whatever happened to Amy Jenkins?', *Independent,* 18 August 2000, Review, p. 1.
[523] D.J. Taylor, 'Truth is stranger than fiction in the publishing world', *Independent,* 5 May 2000, p. 5.
[524] Andrew Holgate, 'A waste of honey', *The Sunday Times,* 14 May 2003, Culture, p. 44 [on CD-rom].

literary, comedic and tragic levels.'[525] Maggie O'Farrell of the *Observer,* suggested that the plot was taken from Noël Coward and concluded that: 'This book has all the depth of a paddling pool with a leak.'[526]

The book attracted an inordinate amount of attention in the media, most likely because of the size of the advance. The reception amongst reviewers was, almost without exception, negative. It is possible that the book would not have been reviewed at all, particularly not by reputable reviewers, had it not had the amount of publicity it had before its launch. In addition, the expectations of Jenkins novel were apparently high in light of her previous work on the script of the critically acclaimed television series *This Life.* Jenkins's persona also became the subject of close media scrutiny probably because she did not fit the image of a struggling author who, in the eyes of the media, 'deserved' a big pay-out. Jenkins, an attractive brunette with solid personal finances who 'lives in large house in Chelsea, holidays in the Caribbean, has a country pad in Somerset and "lots of staff"' ' appeared to be tempting prey for the journalists.[527] In the end, *HoneyMoon* was considered by many people to have been a calculated attempt on the part of Jenkins and her publishers to take advantage of her reputation as a writer from *This Life,* the 'chick-lit' frenzy and her saleability as an attractive female author.

Despite bad reviews and public criticism of the author, *HoneyMoon* sold fairly well, although probably not well enough for the publisher to recoup the advance. In spite of a

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[525] Alex Clark, 'In want of a husband', *Guardian,* 29 April 2000, p. 10 [on CD-rom].
[526] Maggie O'Farrell, 'You're better off stuck up a gum tree', *Observer,* 14 May 2000 <http://books.guardian.co.uk/reviews/generalfiction/0,6121,220515,00.html> (accessed 2 November 2003).
[527] O'Connell, p. 16.

slow start – three months after publication only 19,500[528] copies had been sold – *HoneyMoon* made *The Bookseller*'s list of 'Fastsellers in 2001' where it came in as number seventy-six with paperback sales of almost 200,000.[529] In September 2002, the *Guardian* reported that the novel had reached sales of 350,000.[530] According to the *Independent,* both *HoneyMoon* and the second book of Jenkins's publishing contract needed to sell 500,000 copies each for the publisher to break-even on the agreement.[531] In May 2000, *The Bookseller* defended Hodder & Stroughton's advance for the book and came up with the following estimates:

> One may assume, conservatively, that *HoneyMoon* will sell 50,000 copies in its current edition (£10) and 300,000 copies when it appears at £5.99. These sales would bring in royalties of (a crude estimate) £200,000 - £100,000 short on this book. But look at the revenues: about £2.3m. Even with the deduction of hefty discounts, generous sums for overheads and marketing, and Ms Jenkins's advance, the novel should turn a profit. When Hodder adds to that calculation other benefits, such as the shelf space it has gained and the publicity it has received, the company may congratulate itself of having struck a good deal.[532]

As we have seen, the book's sales figures were very close to *The Bookseller*'s prediction.

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[528] Robins, p. 1.
[529] Alex Hamilton, 'Fastsellers of 2001', *The Bookseller,* 3 January 2002 <http://www.thebookseller.com/?did=994&srq=fastsellers&sbr=1&dr=2003,10,23-1999,10,01&atl=> (accessed 23 October 2003).
[530] Helen Falconer, 'Having a ball', *The Guardian,* 21 September 2002 <http://books.guardian.co.uk/review/story/0,12084,795056,00.html> (accessed 23 October 2003).
[531] Taylor, p. 5.
[532] Anonymous, 'A happy HoneyMoon?', *The Bookseller,* 19 May 2000, p. 24.

The controversy and publicity surrounding the book and its author was seen by some observers to have helped sales of the title. The audience *HoneyMoon* was aimed at was unlikely to pay much attention to the bad reviews; mainly written by – what many readers considered – 'high-brow' reviewers. However, the Jenkins' affair appears to have prompted many publishers to halt the commissioning of 'chick-lit' books; *HoneyMoon* came to symbolise the end of the 'chick-lit' era in British publishing.

It is generally acknowledged that there are two different strategies chosen by publishers and agents to launch new authors or important books of already established authors. The first is the approach taken in the case studies, in which the author and the book are launched amid lots of publicity surrounding the advance. The risks involved in this strategy are, as we have seen, that the book becomes more famous for its advance than for its quality. However, although this approach can be risky, as we saw in the cases of Holroyd, Amis and to a certain extent Jenkins, it will occasionally be rewarding, as in the case of Seth. The alternative tactic is to keep the advance confidential and let marketing campaigns, reviews and word-of-mouth build up the reputation and sales of the book. The first approach usually attracts more attention to the agent, although the extent to which the agent chooses to be publicly associated with the large advance varies, as we have seen in the case studies. However, the disadvantage is that the publicity and attention around the author can potentially have an adverse effect on the author's future work. Zadie Smith is reportedly a typical case in which, *The Autograph Man,* the follow-up of her extraordinarily successful *White Teeth,* took much longer to write than expected, was not reviewed as favourably, and did not sell as well as her debut novel.

Although the four cases described in this chapter had different outcomes, they had in common an extraordinary interest from the press, seemingly exclusively driven by the financial aspects of the publishing contracts. As we have seen, in all the cases, the size of the advance was used – many people would argue – intentionally as a way of publicising the books. However, the resulting publicity was not always what the publishers had anticipated and did not necessarily translate into significant sales. On the other hand, it appears as though the agents involved in these transactions, particularly in those cases where the agent chose a high profile, benefited from the press coverage. Their association with these well-publicised cases is said to have strengthened their personal reputation within the publishing industry as well that of agents in general. Indeed, it looks as if agents with high public profiles are almost without exception famous because of the high advances they have negotiated.

Perception of authors and agents

The developments discussed in this chapter seem to have contributed to a shift in the perception of both authors and agents. In particular, the media exposure generated by high advance payments has drawn attention to the fact that authors can make a lot of money. Record payments such as the £45 million paid to American author Mary Higgins for a five-book contract, the £32 million paid to Tom Clancy for a two-book agreement or even more 'modest' sums such as the £2 million received by Nicholas Evans for his first novel *The Horse Whisperer* with an additional £2 million for the film rights, or the £2 million paid to Nick Hornby for a two-book contract, promote the idea of an author as

someone potentially rich and glamorous.[533] The fact that J.K. Rowling, for example, featured among the richest women in the U.K. in 2003 is testimony to how the financial possibilities of authorship have changed.[534] As many observers would argue, the image of the author as an anonymous grey middle-aged man is disappearing. Evidently, publishers have realised that celebrity, youth and beauty sells, as a result, young attractive, often female, authors are aggressively marketed. Images appear to be carefully groomed to attract attention in the media. Indeed, according to the agent Gill Coleridge some publishers will, albeit reluctantly, ask for a physical description of new authors before bidding for their manuscripts.[535] A widely held opinion in publishing is that best-selling authors have become public personas just like performers and sports personalities.

The focus on authors in the media, usually inspired by large advance payments, is said to have had spill-over effects on agents. Agents' increased influence and visibility – industry people believe – is a function of authors' increased visibility which in turn is a function of higher advances. To some extent, it seems as though the perception of agents has gone the same way as that of authors. Agenting is often, although by no means always, better paid than publishing, it provides an opportunity to work in a less bureaucratic environment than the large publishers can offer and – many would now argue – it is increasingly where the interesting part of the publishing process happen; that of identifying and nurturing talent.

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[533] Andrew Gumbel, 'Civil War writer's one-page outline earns him record $11m book and film contract', *Independent,* 8 April 2002, p. 7.
[534] Anonymous, 'JK Rowling "richer than the Queen" ', *BBC News,* 27 April 2003 <http://news.bbc.co.uk/1/hi/uk/2979033.stm> (accessed 11 September 2003).
[535] Robert McCrum, 'The literary lottery', the *Observer,* 17 March 2002 <http://books.guardian.co.uk/departments /generalfiction/story/0,6000,668643,00.html> (accessed 12 September 2003).

Conclusion

Research into the workings of British literary agency is limited; apart from Hepburn's *The Author's Empty Purse and the Rise of the Literary Agent* hardly anything has been written about this increasingly influential occupation. Perhaps the traditional role of the agent, on the margin, and lying somewhere in between the creation of literature and its distribution has discouraged researchers from investigation. However, the major changes in the publishing and bookselling industries during the last decades of the 20th century merited a re-evaluation of their role, a task which this thesis has sought to undertake.

The thesis has examined literary agents' historical lack of professional status and has surveyed the change of attitude towards agents over the 20th century. It has also endeavoured to shed new light on the role of agents in the process of identifying, nurturing and publishing literary talents, particularly in the context of recent and contemporary publishing. The research shows that agents have advanced a great deal since their meagre beginnings at the end of the 19th century, most notably during the last twenty to thirty years. This has happened in spite of the consolidation of the publishing and bookselling industries and the resulting formation of large powerful chains and conglomerates. Ironically, it seems that, so far, these consolidation processes have strengthened rather than weakened the position of literary agents.

Today there are more literary agencies than at any point in their nearly one-hundred-and-thirty-year history, agents are more influential in publishing than ever before and their public profile is more visible than previously. As the thesis has attempted to

demonstrate, the restructurings of the publishing and bookselling industries provided literary agents with a myriad of opportunities to expand their role. For example, staff-cutbacks of editors at the publishing houses opened up a wider editorial role for the agent, many of whom were former editors anyway. This, in turn, encouraged other editors to start up as literary agents. Likewise, publishers' improved financial strength combined with their growing dependence on best-sellers made it possible for agents to negotiate for higher advances. On the bookselling side, the increasingly powerful chains forced price reductions on the publishers who, as a result, exercised pressure on authors to take some of the burden of the lower income. In this environment, authors became more and more dependent on their agents in negotiating favourable agreements. As this thesis has shown, literary agents have been adept at seizing the opportunities that 'new' publishing and bookselling have thrown at them and they have expanded their function. A change of attitude towards agents on the part of publishers accompanied their own more commercial approach and further assisted agents in cementing their position. Furthermore, moves towards a globalisation of the market combined with new media of transmission have further propelled the demand for agent services in areas of subsidiary rights.

In addition to responding to changes, agents have instigated changes with a view to improving the position of their authors (and indirectly themselves.) They have, for instance, professionalized author proposals, used auctions more aggressively, and taken a more wide ranging approach to the management of the careers of their clients. As a result of all these changes, a new breed – or what this thesis describes as a 'new school' –

of agents has emerged. The high public profile of some of these agents, both within the industry and in the media, has mainly come about as a result of the increasingly large advances seen in the publishing industry. These developments have brought with them a shift in the public perception of the literary agent. Today, some agents can claim celebrity status, a major change from their traditionally anonymous position.

These developments have been identified mainly by examining the underlying trends of journalistic reporting and interviews. Historical sources have been helpful in providing a background for the business of literary agency. However, the main part of this thesis has relied upon contemporary, non-academic sources. Sources such as newspaper reports and personal interviews have been invaluable in bringing the topic up-to-date, moreover, in the absence of already existing recent research, they have often provided the only kind of resource available.

At present, it appears that there are relatively few threats to the existence and status of literary agents. As the thesis has described, technology has not, so far, jeopardised the role of agents as middle-men (and women). In fact, if anything, new technology has facilitated their job. An increasingly competitive and commercial publishing market seems to ensure a steadily growing demand for the services of literary agents in the future. Moreover, in the current publishing environment, it seems that the way forward is in the mould of 'new school' agenting.

Appendix A – List of People Interviewed

Agents

- Michael Sissons, PFD, in-person interview
- Hilary Rubinstein, Hilary Rubinstein Books, former head of A.P. Watt, in-person interview
- Carole Blake, Blake Friedmann Literary Agency, in-person interview
- Jonny Geller, Curtis Brown Group, in-person interview
- Faith Evans, Faith Evans Associates, in-person interview
- Gerald Pollinger, Laurence Pollinger Ltd., in-person interview
- Giles Gordon, Curtis Brown, in-person interview
- Jane Gregory, Gregory & Radice Authors' Agents (now Gregory & Company Authors' Agents), in-person interview
- Christine Green, Christine Green Authors' Agent, in-person interview
- Maggie Phillps, Ed Victor Ltd., in-person interview
- Stephen Durbridge, The Agency (a film and television rights agency), in-person interview
- Christine Park, former agent and author, telephone interview

Publishers

- Diana Athill, former publisher with André Deutsch, in-person interview
- Penelope Hoare, publisher with Chatto & Windus, in-person interview
- Keith Sambrook, former publisher with Heinemann, in-person interview
- Liz Calder, publisher with Bloomsbury, in-person interview
- Philippa Harrison, former publisher with Little, Brown, in-person interview (now with Ed Victor Ltd.)
- Peter Carson, publisher with Profile Books, former Penguin editor-in-chief, in-person interview

Authors

- Michael Holroyd, author, in-person interview
- Harry Bingham, author, telephone interview
- Marina Warner, author, in-person interview
- Tim Lott, author, in-person interview

Others

- Mark Le Fanu, General Secretary for the Society of Authors, in-person interview
- Rebecca Swift, the Literary Consultancy, in-person interview
- Vivien Green, President of the AAA (at the time of interview), replied in writing

Appendix B – Questions For Literary Agents

The Role of the Agent

- How would you explain the large increase in the number of agencies over the last 20-30 years? (Publishing company driven or author driven?)
- Is there sufficient demand for agents to support the 180 literary agents that exist in U.K. and Ireland today?
- How would you describe the role of the agent today compared to the role at the start of the century?
- How has the agent's role changed since the early 1970s?
- Auctions – what have these done to the business?
- The agent as creative catalyst – to what extent is the agent instrumental in coming up with story ideas?
- Relationship agent – publisher; how would you describe the relationship; how has this changed over the last thirty years?
- Relationship agent – author; how would you describe the relationship; how has this changed over the last thirty years?
- Mergers within the agency business; how frequent? If the business is built on personal relationships, how do authors respond?
- Employees leaving to set up their own and taking with them clients?
- What do you believe is the optimal size for an agency (personal contact vs. economies of scale)?
- Big vs. small, what are the advantages/disadvantages?
- How many unsolicited mss. does your company receive every week?
- How many new authors do you take on each year and how many of those are unpublished?
- What does each author cost you?
- Fiction vs. non-fiction; it seems that a lot more resources are being put into fiction than non-fiction relative to its importance for the publishing companies? Why is this?
- What percentage of published works goes through agents?
- World rights – what is the trend; more risky for publisher? Better for author?

Advances

- What are typical advances for a) average new author, b) very promising new author, c) well-known moderately selling author d) best-selling author.
- What is your view on the increasingly large advances seen in the industry?
- How serious do you believe the problem of unearned advances to be?
- How, if at all, do large advances and unearned affect the opportunities for new undiscovered talent?

Competition

- How has the increasing number of agencies affected competition? Has the increased capacity been absorbed by increased demand for agent services?
- To what extent does poaching of other agents' clients occur? What is your view on poaching?
- To what extent do agents bring with them their authors when they leave to set up their own or join another agent?

New Talent

- Discovering new talent; how many unsolicited mss. do you receive each week, how often do you find something worth publishing?
- How many of your authors were first-time writers when you took them on?
- Do you have any first-time writers who subsequently became best-selling authors?
- The rise of the literary agent – in your opinion – how has this affected the chances of an unknown writer being published?
- What do you think is easier: finding an agent or finding a publisher?
- What do you do to nurture and develop new talent; editorial advice?

The Publishing Industry

- Commercialisation/conglomeratisation of the publishing industry – what have been the results? (Good as well as bad).
- Vertical integration of the publishing industry (paperback and hardback publishing) – what has been the effect on the agency business?
- The role of the editorial departments – now and before?
- Trend for more titles, how does this trend affect the agent? Has this encouraged the growth of the agency business?
- What is your prediction for the future of the small independent publisher?

The Association of Author's Agents

- What does the AAA offer from a membership standpoint?
- When are you eligible for membership? Handbook 2000 what year of est. eligible?
- Are there many would-be agents prevented from becoming members because of the minimum turnover requirement?
- Number of members?
- Why are only 57 of 181 (31%) of agencies in directories members of the AAA?
- Number of employees at the agencies?
- Does the AAA keep track of member's financial performance?

The Future

- How do you see the role of the literary agent develop in the future?
- Do you see a trend for specialisation in the industry? Or, do authors prefer a one-stop-shop to agenting with the ability to do all business TV, theatre, radio etc. through one agent?
- What is the trend in terms of size of the agencies? What has been the trend over the last 30 years?
- What is the trend in commission rates? What has been the trend over the last 30 years?
- On-line literary agents – Goodstory.com, an alternative way to discover talent – what do you think about the concept?

Appendix C – Questions For Publishers

The Publishing Industry

- What are the biggest challenges facing British publishing today?
- What has been the affect of abolishing the NBA?
- Many people argue that too many books are being published in the UK today. What is your view?
- Is it true to say that publishers today are more commercially oriented than used to be the case?
- Do you believe publishers have a social obligation to fulfil? Do publishers today do this?
- How has publishing changed over the last 30 years?
- Conglomeratisation of the industry. Benefits and drawbacks?
- What has been the trend for book production costs?
- Building author's careers. To what extent can publishers afford to wait for an author to succeed?
- The role of the editorial departments – now and before?
- What is your prediction for the future of the small independent publisher?
- View on globalisation of the book markets – advent of Internet? Writing for a global audience?
- The future of publishing – how, if at all, do you think publishing-on-demand will change the publishing business?

The Role of the Agent

- How often do you talk to agents? Do you get in touch with them or do they contact you?
- Your view on agents? Good or bad for the business?
- What percentage of your books is brought to you by agents, how much comes directly to the publishing house?
- Do you have a limited number of agents that you deal with on a regular basis, how many would that be?
- List the top five agents in the UK. Which agents are in your view best?
- Do you believe the role of the agent has changed since the early 1970s, if so, in what ways?
- How would you explain the large increase in the number of agencies over the last 20-30 years? (Publishing company driven or author driven?)
- To what extent and in which ways has the restructuring of the publishing industry in the 1970s and 1980s influenced the position of the literary agent?
- What effect has the increased power of a smaller number of publishers had on agents?
- Is there sufficient business to support the 180 literary agents that exist in U.K. today?

- What is your opinion on auctions? Do you think some publishers end up paying more than they otherwise would as a result of this type of sale.
- Relationship agent – publisher; how would you describe the relationship; how has this changed over the last thirty years?
- What is your view on the increasingly large advances seen in the industry? Do you agree with the argument that it sharpens the publishing company's commitment to successfully publishing the book?
- What is your view on unearned advances? How, if at all, they affect the opportunities for new undiscovered talent?
- The rise of the literary agent – in your opinion, how has this affected the chances of an unknown writer being published? What do you think is easier getting an agent or getting a publisher?
- How do you see the role of the literary agent develop in the future?
- Is it fair to say that there has been a shift in the balance of power in favour of agents and authors following the restructuring of the publishing industry?

Appendix D – Questions for Authors

The Agent

- How would you describe your relationship with your literary agent?
- How many agents have you had? If several, why did you change?
- How did you find your agent?
- What characterises a good agent?
- Is it easier to get an agent than to find a publisher?
- How often are you in contact with your agent?
- Of the services he/she provides, which do you find most helpful?
- To what extent does your agent provide editorial advice?
- Has the relationship with your agent changed at all as a result of the changes in the publishing industry?
- What do you think the impact of large advances is on authors?
- Poaching – do you get approached by other agents?
- Who deals with your foreign rights? Separate representation in the U.S.?
- Do you have a contract with your agent?
- Who handles film and television rights?
- Do you negotiate your commission or is it fixed?
- Are you a member of the Society of Authors – could the service they provide substitute that of an agent?

Publishers

- How has your relationship with your publisher changed as a result of changes in the publishing industry?
- What is your experience of working with large vs. small publishers?
- Is it fair to say that there has been a shift in the balance of power in the favour of agents following the restructuring of the publishing industry?
- What have been the consequences of conglomeratisation (both good and bad)?
- How are contemporary publishers at building authors' careers?

Appendix E – Questions for the Society of Authors

The Society of Authors

- Number of staff, organisation.
- What services does the Society provide to its members?
- Number of members? What has been the increase over the last 30 years?
- Female/male mix – has this changed over the last 30 years?
- Ratio of fiction/non-fiction writers?
- Do you have statistics on the number of authors that have agents?
- How would you explain the increase in number of writers?

Agents

- Do you believe the role of the agent has changed since the early 1970s, if so, in what ways?
- Do you recommend your members to get an agent?
- Are authors price sensitive when choosing agents?
- How would you explain the huge increase in the number of agencies over the last 20-30 years?
- Relationship agent – author; how would you describe the relationship; how has this changed over the last thirty years?
- Do you believe that a 15% commission is justifiable?

Publishers

- Building author's careers. To what extent can publishers afford to wait for an author to succeed?
- Conglomeratisation and impact on members and publishing in general.
- What is your view on the increasingly large advances seen in the industry? How do large advances affect the careers of new authors?
- What are the biggest challenges facing British publishing today?
- What has been the affect of abolishing the NBA?
- Many people argue that too many books are being published in the UK today. What is your view?
- Is it true to say that publishers today are more commercially oriented than used to be the case?

Appendix F – Association of Authors' Agents' Constitution and Code of Practice

1. Aims

The aims of the Association shall include:

i) To maintain a code of professional practice to which all members of the Association shall commit themselves.
ii) To discuss matters of common professional interest.
iii) To provide a vehicle for representing the view of authors' agents in discussion of matters of common interest with other professional bodies, the media industry and to the public.

2. Structure

The Association shall comprise eligible and duly elected members. Such members shall in turn elect a Committee which shall be responsible for making and implementing day to day decisions in relation to affairs of the Association and on its behalf. The Committee shall consist of seven members, four 'Officers', being a President, a Vice-President, a Secretary and a Treasurer, two 'Ordinary Members' and the Retiring President (or sometimes an additional Ordinary member).

Members of the Committee of the Association shall be elected at the Annual Meeting of the Association at three yearly intervals and shall serve for three years on a voluntary unpaid basis. The President may not serve two consecutive terms. The Vice-President, Secretary and Treasurer may be re-elected to the Committee but not to the same office, and may not serve on the Committee for a consecutive term of more than six years unless elected to the position of President. The Ordinary Members of the Committee may only be re-elected for two consecutive terms if they are re-elected as Officers. No member may serve for more than six consecutive years, except in the case of a seventh year as ex-officio President.

All members of the Committee shall be elected by written ballot by a majority vote of those agencies represented at each Annual Meeting of the Association, each agency having only one vote. Unless expressly authorised at the Annual or Extraordinary Meeting of the Association, no two members of the same agency shall be elected to the Committee at the same time. Any agent of a member agency shall be eligible for election as President so long as he/she has been a full-time authors' agent for not less than seven years, and any agent of a member agency shall be eligible for election as any other officer on the Committee so long as he/she has been a full-time authors' agent for not less than five years, such restrictions to be subject to the discretion of the Committee.

In the event of the resignation, death or incapacity of the President mid-term, the Vice-President shall automatically become President and elections for Vice-President shall be held at the next meeting of the Association. Upon resignation, death or incapacity of any other Committee Member(s) other than the President mid-term, election(s) shall be held at the next meeting of the Association.

The President, or in his/her absence the Vice-President, shall preside at all meetings of the Association. At the Annual Meeting of the Association, the President, or in his/her absence the Vice-President, shall present to the meeting a report of the activities of the Association during the year. This shall include a summary of matters recommended for action by the Association.

The Secretary shall give notice of no less than two weeks of all meetings of the Association, keep the minutes of such meetings, and conduct the correspondence and keep the records of the Association. Such records shall be passed on to the Secretary's successor and other Committee Members shall also pass on relevant correspondence and documents to the Secretary within one month of leaving office.

The Treasurer shall keep the books of the Association, collect all dues, pay all outgoings, and render a proper annual account of the Association to the Annual Meeting.

The Constitution of the Association may only be changed by a ¾ majority in a ballot of members of the Association present at any general meeting with a quorum of not less than half the number of member agencies. Any proposed changes shall be notified in writing to all members in advance. Actual changes shall also be confirmed in writing to all members.

3. Membership

Any agency or individual independent agent who has been actively engaged in representing authors and other individuals engaged in the profession of creating copyright works ('clients') for a period of three or more years shall be eligible for member-ship. Applicants for membership must have a place of business within the United Kingdom although exceptions may be made at the discretion of the Committee and must be able to give satisfactory evidence to the Committee of their ability to offer the full service of an authors' agency in the handling of all literary, drama, media, subsidiary and related rights. Each applicant should have a list of clients who are actively engaged in writing and who produce a level of business averaging not less than £25,000 (or such figures as may be determined from time to time at an Annual or Extraordinary Meeting) in commissions for each of the past three years. An agency or agent who is also employed by publishers or purchasing principles, other than for selling rights, shall not be eligible for membership.

Applicants shall furnish the Association with a statement of their commission rates and, if elected, notify the Association of any changes in such rates, which shall be recorded by the Committee.

Election to membership of the Association shall be approved by a majority of the full Committee. The Committee reserves the right to refuse membership to any agency or individual who may qualify technically under the conditions set out above. Any applicant for membership who does not technically qualify under the conditions set out above may in exceptional circumstances be accepted for full membership or may be given Observer status if such an applicant is approved by a majority of the full Committee. If a member of an agency who has been an agent for three years with a member agency establishes his/her own agency he/she may apply immediately for a membership of the Association and acceptance shall be at the discretion of the Committee. Observer status shall not confer an automatic right to future full membership.

Payment of the annual subscription shall constitute acceptance of the Association's Constitution and Code of Practice.

4. Dues

   [Contact the AAA for further information]

5. Meetings of the Association

   The Annual Meeting of the Association shall be held on a Wednesday in January in each year. Ordinary meetings of the Association shall usually be held on a Wednesday in the months of March, June and September. Extraordinary meetings of the Association may be called at any time by the President or within two weeks' notice by no fewer than nine members. The Committee shall meet by arrangement and may also appoint special subcommittees of the Association to consider and report on particular questions of interest to members.

6. Code of Practice

   (a) All member are required to act in such a way that the reputation of the Association of Authors' Agents is protected and enhanced, and to observer the Code of Practice set out in the following paragraphs. Members shall pay due heed to such other non-mandatory standards and guidelines to good practice as may be proposed by the Committee from time to time.
   (b) No member shall knowingly represent the client of another agency, whether or not that other agency is a member of the Association. Failure to enquire as to a client's agency relationship shall be considered a violation of this rule.
   (c) No member shall restrain a client from leaving this or her agency. In the event that a client does leave a member agency, then that agency shall have a continuing right to full commission on contracts which it has already negotiated. The

original agency shall, unless otherwise agreed, release to the client all unsold rights and any rights that subsequently revert from licensees.

(d) All members shall by cheque or bank transfer account faithfully to their client, within not more than 21 days of clients' monies being cleared in the member's bank account, for all sums due to their clients unless instructed otherwise by their clients or otherwise agreed.

(e) All members shall furnish promptly to their clients any information and material which the client may reasonably request in connection with his/her business. A member shall allow his/her clients at all reasonable times the right to verify and authenticate any statement of account concerning that client and shall submit promptly and regularly to the client full details of any transaction handled by the member.

(f) All members recognise the continuing right of other members to commission on contracts already negotiated.

(g) No member shall act for a client after the client's authorisation to do so has terminated, except that

  (i) no member shall be debarred from continuing to act in specified areas if so instructed in writing by the client and

  (ii) the member shall continue to receive commission in respect of the agreements entered into previously with third parties on the client's behalf and appropriate commission in respect of negotiations carried out on the client's behalf and which are consequently concluded by the client or a new agent.

(h) No member shall charge a reading fee or any other fee to a client beyond his/her regular commission as notified to the Association without the client's or prospective client's prior consent in writing.

(i) No member may without informing his/her client in writing in advance, represent in any transaction both his/her client as vendor of services or copyright material and any other interest such as purchaser and/or representative of purchaser of such material and must declare to the client in writing any proprietary or profitable interest in any contract apart from that of a normal agency commission.

  Members may in exceptional circumstances make special commission arrangements with a client provided that they obtain the client's prior consent in writing. Members are strongly advised to consult the Committee if they are in any doubt whatsoever as the propriety of any such special arrangement. The Committee shall have power to decide on the acceptability to the Association of any such special arrangement which comes to its notice and to require the member in question to amend to its satisfaction any such arrangement which in its view it deems unacceptable. The member may elect to withdraw from membership of the Association upon receiving notice that a particular commission arrangement is unacceptable in the Committee's opinion.

(j) No member shall use or communicate to others information relating to a client's affairs confidentially given to him/her except as required by law.

(k) All members shall establish for their clients' monies a bank account separate from the members' general business and personal accounts and shall deposit clients' monies in that account immediately upon receipt or as directed by the client.
(l) All members shall at all times act honestly, and in such a manner that neither clients nor third parties are misled. Members shall keep their clients apprised of relevant information and offers that they receive. Members shall not knowingly or recklessly disseminate false or misleading information.
(m) No member shall knowingly, recklessly or maliciously injure the professional reputation or practice of another member.
(n) All members shall promote and protect their clients' best interests and maintain regular contact to keep them informed as to work undertaken on their behalf.
(o) All members shall conduct their business lawfully.
(p) All members shall notify new clients in writing of their terms of business.
(q) All member agencies shall hold adequate provision for Professional Indemnity Insurance to a minimum level adequate to the requirement of the member agency's trading.
(r) Members who are sole traders shall make adequate legal provision for the protection and disbursement of clients' monies in the event of resignation, incapacity or death.

All complaints made against members for alleged violation of any provision of the Code of Practice shall be considered by the full Committee of the Association who shall have the right to expel any member against whom a significant and material breach of the Code of Practice is upheld. Such a decision must be taken unanimously by the full Committee. Any member against whom a complaint has been lodged shall have the right to appear in person before the Committee to hear and/or answer such complaint. In the event of a dispute between member agencies over a matter of professional practice, the Committee may, it requested by the parties, act as arbitrators.

18th June 1998

Source: www.agentsassoc.co.uk/charter.html (accessed 6 February 2004)

Appendix G - The U.K. Publishing and Bookselling Industries - Statistics

A. The U.K. Retail Book Market by Value at Current Prices (£million at rsp*) and number of units (million) 1997-2002**

	1997	1998	p1999	e2000	e2001	e2002
Books – value (£m)	2,860	3,062	3,260	3,455	3,667	3,725
% change year-on-year	-	7.0	6.5	6.0	6.1	1.6
Books – units (m)	469	504	527	e544	560	n/a

Source: *Book Publishing: market report 2003,* 16th edn (Hampton: Key Note Ltd.,2003), p.8; *The Publishing Industry: market review 2002,* 9th edn (Hampton: Key Note Ltd., 2002) pp. 11-12.
p=provisional estimates from the Publishers' Association
e=estimates by Key Note
*rsp=retail selling prices

**Note: 'Estimates of the size of U.K. book publishing market vary considerably. Estimates for 2001, range from £2.7bn to £3.67bn. There are a number of reasons for this divergence, including the following: 1) the range of buyers is extremely diverse – from individuals to large institutions – making it difficult to assess sales figures accurately, 2) some estimates cover only high-street book sales to the consumer, 3) the spread of discounting also makes the task of gauging the value of the market harder. [...] The Publishers' Association's figures shown [in table A] are "derived mainly by grossing up to retail value the data on publishers' U.K. sales at invoiced (ex-warehouse) prices." ' (*Book Publishing: market report 2003,* 16th edn (Hampton: Key Note Ltd.,2003), pp. 8-9.

B. U.K. Publishers' Export Sales by Destination by Value (£million), 1997-2002 (note not all years available)

	1997	1999	e2000	e2002
EU	**463.1**	**437.1**	**450.0**	**470.0**
US and Canada	**206.7**	**231.3**	**240.0**	**250.0**
Australia/New Zealand	**100.7**	**89.1**	**95.1**	**100.0**
Other countries	**400.0**	**364.5**	**380.0**	**400.0**
Total	**1,170.5**	**1,122.0**	**1,165.1**	**1,220.0**

Source: *Book Publishing: market report 2003,* 16th edn (Hampton: Key Note Ltd.,2003), p. 16.
e=estimates

C. Number of U.K. VAT-Based Enterprises Involved in the Book Publishing Industry by Turnover Sizeband (number and %), 1998, 2000 and 2002

Turnover Sizeband (000)	1998	2000 Number of enterprises	% of total	2002 Number of enterprises	% of total
1-49	**n/a**	**825**	**34.2**	**770**	**33.4**
50-99	**n/a**	**400**	**16.6**	**370**	**16.1**
100-249	**n/a**	**425**	**17.6**	**440**	**19.1**
250-499	**n/a**	**255**	**10.6**	**255**	**11.1**
500-999	**n/a**	**195**	**8.1**	**185**	**8.0**
1000-4,999	**n/a**	**210**	**8.7**	**200**	**8.7**
5,000+	**n/a**	**105**	**4.4**	**95**	**4.1**
Total	**2,545**	**2,410**	**100.0**	**2,305**	**100.0**

Source: Source: *Book Publishing: market report 2003,* 16th edn (Hampton: Key Note Ltd.,2003), p. 18.

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